DOCUMENT RESUME

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ABSTRACT

The report--40% of which consists of appendixes--presents the state of Kentucky's 1980 plan for special education and related services for handicapped children: the annual program plan amendment for Part B of the Education of the Handicapped Act as amended by the Education for All Handicapped Children Act (P.L. 94-142). The plan documents Kentucky's compliance with P.L. 94-142 through the citation and/or establishment of policies and procedures consistent with federal requirements, the description of activities to be carried out on both the state and local levels using funds through P.L. 94-142, and the description of activities planned by the Kentucky Department of Education to expand and improve programs for handicapped children through administrative, direct, and support services. The six appendixes include memorandums of agreement and material concerning confidentiality of personally identifiable information. (DLS)

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FISCAL YEAR 1980
ANNUAL PROGRAM PLAN AMENDMENT
FOR
PART B OF THE EDUCATION OF THE HANDICAPPED ACT
AS AMENDED BY PUBLIC LAW 94-142

BEST COPY AVAILABLE

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EC 124292

Kentucky Department of Education
Bureau of Education for Exceptional Children
August, 1979

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SUBMISSION STATEMENT
(FY-1980 ANNUAL PROGRAM PLAN UNDER PART B AND P.L. 89-313)

A. I, the undersigned authorized official of the State Educational Agency of Kentucky, hereby submit the following Annual Program Plan for Fiscal Year 1980 under Part B of the Education of the Handicapped Act, as amended by Public Law 94-142:

FY-1978/79 Annual Program Plan Components. The following items from this State's FY-1978/79 Annual Program Plans under Part B are hereby incorporated by references:

	Item	Source Fiscal Year and Page Number
	Submission Statement	FY 1979, pp. i-iii
I.	Public Notice and Opportunity for Comment	
	(a) Availability of proposed plan	
	(b) Opportunity for comment	
	(c) Revisions (Procedures for Handling)	
	(d) Availability of approved plan	
II.	Right to Education Policy Statement	FY 1979, pp. 27-34 (restated & updated)
III.	Full Educational Opportunities Goal and Timelines:	FY 1979, pp. 35, 37-39 (restated & updated)
	(a) Goal Statement	
	(b) Times and ages for free appropriate public education	FY 1979, p. 36
IV.	Policy on Priorities	FY 1979, pp. 46-51 (restated & updated)
V.	Child Identification	
	(a) Policies and Procedures	
VI.	Individualized Education Program	FY 1979, pp. 93-106
VII.	Procedural Safeguards	FY 1979, pp. 107-126
VIII.	Least Restrictive Environment	
	(a) Procedures	FY 1979, pp. 127-134
IX.	Protection in Evaluation Procedures	FY 1979, pp. 136-140
X.	Comprehensive System of Personnel Development	

	Item	Source Fiscal Year and Page Number
XI.	Participation of Private School Children	FY 1979, pp. 166-167
XII.	Placement in Private Schools	FY 1979, pp. 169-172
XIII.	Recovery of Funds for Misclassified Children	FY 1979, p. 173
XIV.	Hearing on LEA Application	FY 1979, p. 174
XV.	Annual Evaluation	FY 1979, pp. 175-181 (restated and updated)
XVI.	Additional Requirements	
	A. Responsibility of SEA for All Educational Programs	FY 1979, pp. 182-184, 193-194
	B. Monitoring Procedures	FY 1979, pp. 184-191
	C. Policies and Procedures for Use of Part B Funds	FY 1979, pp. 194-197, 209-213
	D. Nondiscrimination and Employment of Handicapped Individuals	FY 1979, p. 198
	E. Additional Information if SEA Provides Direct Services	FY 1979, pp. 198-202
	F. Implementation Procedures-SEA	
XVII.	Confidentiality of Personally Identifiable Information	

B. Additional Requirements for FY-1980. Attached herewith are the additional procedures and other information necessary to meet the Part B Annual Program Plan requirements by this State for FY-1980.

C. Certifications. I certify (1) that this plan has been adopted by the State educational agency and is the basis for the operation and administration of the activities to be carried out in this State under Part B, and (2) that this State is meeting all of the applicable requirements of Part B of the Education of the Handicapped Act, as amended by P.L. 94-142, and the regulations implementing the Act. (45 CFR Part 121a.)

D. Compliance with Section 504. The programs assisted under Part B of the Act and P.L. 89-313 will be operated in compliance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations, Title 45 of the Code of Federal Regulations, Part 84 (Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance). The State may incorporate this assurance by reference if it has already been filed with the Department of Health, Education and Welfare.)

E. Data Requirements. The data requirements in sections 121a.124, 121a.125, 121a.126, and 121a.127 of the Part B regulations will be submitted in the FY-1980 fiscal/performance report.

June 14, 1979
DATE

James B. Graham
Signature of Chief State School Officer
or person authorized to submit this plan

James B. Graham
Superintendent of Public Instruction
Typed Name and Title

June 29, 1979
Date Received in BEH

FISCAL YEAR 1980
ANNUAL PROGRAM PLAN
FOR P.L. 89-313, AS AMENDMENT TO
TITLE I, ESEA, AS AMENDED BY P.L. 93-380

P.L. 89-313 ASSURANCES

The Kentucky Department of Education (official name of the State educational agency) submits the following Assurance (in accordance with §116b.10 of the Rules and Regulations for State Operated Programs for Handicapped Children), and incorporates by reference the Title I Annual Program Plan for FY 1980 in accordance with the General Education Provisions Act.

ASSURANCE

The funds allocated to State and local agencies will be used in accordance with the terms of approved applications to meet the special educational needs of:

> Children in schools operated or supported by State agencies directly responsible for the free public education of handicapped children and children who have left such schools and are participating in programs in local educational agencies as provided by Section 121 of the Act.

The project descriptions required for each project funded under this program will be submitted as part of the financial/performance report submitted for FY 1980 funds.

Kentucky's Title I Monitoring and Enforcement Plan pertaining to P.L. 89-313 will be submitted to the U.S. Office of Education as part of the state's plan for General Title I, ESEA.

6/14/79
DATE

James B. Graham
Signature of Chief State School Officer
or person authorized to submit this plan

James B. Graham
Superintendent of Public Instruction
Typed Name and Title

June 29, 1979
Date Received in BEH

STATE: Kentucky

CERTIFICATION OF STATE ATTORNEY GENERAL OR OTHER APPROPRIATE STATE LEGAL OFFICER

I hereby certify that:

1. The Kentucky Department of Education
   Legal Name of State Education Agency

   has authority under State law to submit this Annual Program Plan under Part B of the Education of the Handicapped, Act, as amended by P.L. 94-142, and P.L. 89-313 and to administer or supervise the administration of the plan; and

2. All plan provisions are consistent with State law.

June 25, 1979
DATE

Robert F Stephens
SIGNATURE

Robert Stephens, Attorney General
Typed Name and Title of State Legal Officer

OFFICE OF THE GOVERNOR
FRANKFORT, KENTUCKY 40601

JULIAN M. CARROLL
GOVERNOR

James B. Graham, Superintendent of Public Instruction
Department of Education
Capital Plaza Tower
Frankfort, Kentucky 40601

Dear Dr. Graham:

The Bureau of Education for Exceptional Children has submitted the FY 1980 Annual Program Plan Amendment for Part B of the Education of the Handicapped Act as amended by P.L. 94-142 for consideration of approval by the State Planning Committee.

The document is consistent with existing state and local policies as well as existing state laws and regulations. The State Planning Committee has endorsed this program plan. As the committee has endorsed this plan, I have no comments.

Sincerely,

Julian M. Carroll
Governor

INTRODUCTION

Kentucky's Annual Program Plan Amendment for Part B of the Education of the Handicapped Act as Amended by Public Law 94-142 is the State's yearly plan for special education and related services to exceptional children. The writing of this plan is a requirement of Public Law 94-142, the Education of All Handicapped Children Act of 1975. The plan documents Kentucky's compliance with Public Law 94-142 through (1) the citation and/or establishment of policies and procedures consistent with federal requirements, (2) the description of activites to be carried out on both the state and local levels using funds through Public Law 94-142 (EHA, Part B funds), and (3) the description of activities planned by the Kentucky Department of Education to expand and improve programs for exceptional children through administrative, direct and support services.

The information contained in the plan is based both on federal regulations under Public Law 94-142 and on an outline supplied to states by the Bureau of Education for the Handicapped, U.S. Office of Education, Department of Health, Education and Welfare. The plan must annually be submitted to and approved by the Bureau of Education for the Handicapped. Kentucky's receiving funds under Public Law 94-142 is contingent upon this federal approval.

As permitted by federal requirements, several sections of this plan are incorporations from previous years' plans. These are Sections VI, VII, VIII, IX, XI, XII, XIII and XIV. These sections are, for the most part, direct quotes from the Fiscal Year 1979 plan and are provided within the context of the FY 1980 plan to assist the public in its review of the current year's plan. Copies of the FY 1979 plan and accompanying appendixes which are referenced or quoted in this plan (FY 1980) are available by contacting the Bureau of Education for Exceptional Children. Several sections have been changed only in the sense that they contain updated material; however, they do not contain any major policy changes. These are Sections I, III, XV and XVI. Sections of the plan which include policy changes are Section II (Right to Education) and Section IV (Policy on Priorities). Section II has the following policy change:

(a) from the policy that a free appropriate public education must be made available to all exceptional children ages six (6) through seventeen (17)

(b) to the policy that a free appropriate public education must be made available to all exceptional children ages five (5) through seventeen (17)

Section IV has the following policy change:

(a) from the policy that the Commonwealth of Kentucky hereby reaffirms the policy of providing a free appropriate public education to all handicapped children according to the following priorities:

1. First, to all exceptional children ages six (6) through seventeen (17) who are not receiving any educational services.

2. Second, to exceptional children ages six (6) through seventeen (17), within each disability, with the most severe handicaps who are receiving an inadequate education.

3. Third, to exceptional children within each disability with the most severe handicaps who are receiving an inadequate education and who are within the age groups of five (5) and eighteen (18) to twenty-one (21) for which educational services are "permissive" as defined in Section II of this document.

4. Fourth, to the expansion of educational services for the most severely handicapped children of the three (3) and four (4) year old age groups and 0-2 as resources become available.

(b) to the policy that the Commonwealth of Kentucky hereby establishes the following priorities in regard to the use of funds under Part B of the Education of the Handicapped Act as amended by Public Law 94-142.

1. First, to all exceptional children ages five (5) through seventeen (17) who are not receiving any educational services.

2. Second, to exceptional children within each disability, with the most severe handicaps, who are receiving an inadequate education.

3. Third, to meet the goal of providing full educational opportunity to all exceptional children ages birth through twenty-one (21).

In addition, Section V (Child Identification) and Section X (Comprehensive System of Personnel Development) contain a substantial amount of new information regarding planned activities for school year 1979-80. Lastly, Section XVII contains information which is a new annual program plan requirement for this year. This section cites state regulations which relate to requirements for the confidentiality of personally identifiable information.

Lastly, Standards for Programs for Exceptional Children referenced in this plan through Kentucky Administrative Regulations are being finalized at this time. Plans call for the Standards to be submitted to the State Board for Elementary and Secondary Education in the summer of 1979. Following approval by the State Board for Elementary and Secondary Education, these Standards will be submitted to the Legislative Research Commission for public review and comment and approval.

Copies of both the FY 1979 Annual Program Plan and the FY 1980 Annual Program Plan are available by contacting:

Bureau of Education for Exceptional Children
Division of Supporting Services
Capital Plaza Tower, Room 803
Frankfort, Kentucky 40601

1. PUBLIC NOTICE AND OPPORTUNITY TO COMMENT (612(7)(b))

SUBSECTION A. PRESUBMISSION

The following is a description of the methods used in making the Fiscal Year 1980 Annual Program Plan available to the public for comment prior to submission:

1. Notice of Public Hearings and Availability of FY '80 Annual Program Plan

A statement was released to statewide and local newspapers in Kentucky on two consecutive Sundays, April 1 and 8, 1979, announcing procedures for obtaining copies of the plan for review and comment and announcing the public hearings including purpose, locations, dates and times. Newspapers receiving copies of this release included The Courier Journal, The Lexington Herald-Leader, The Ashland Independent, The Kentucky Post and Times Star, Paducah Sun Democrat, The State Journal (Frankfort), The Owensboro Messenger and Inquirer, and the Park City Daily News (Bowling Green).

Attachment A presents a map showing the locations of the cities in which the newspapers are published and copies of the actual articles published. Attachment B contains a map showing the location of the public hearings. The notice which was released was as follows:

"NOTICE OF PUBLIC HEARINGS
ON KENTUCKY'S ANNUAL PROGRAM PLAN
FOR THE EDUCATION OF EXCEPTIONAL CHILDREN

The Kentucky State Department of Education will hold public hearings on Kentucky's proposed FY 1980 Annual Program Plan for the Education of Exceptional Children under Public Law 93-380 as amended by Public Law 94-142. This plan represents Kentucky's yearly plan for special education. It documents Kentucky's compliance with Public Law 94-142 and describes educational programs for exceptional children in Kentucky. The plan must annually be submitted to the U. S. Office of Education for approval. Approval of this plan will result in Kentucky receiving federal funds for the 1979-80 school year. The major portion of these funds will flow through to local school districts to assist them in paying for the excess costs involved in providing special education and related services to exceptional children.

Four public hearings on the plan will be conducted. The dates and locations of these hearings are as follows:

April 30, 7:00 p.m., Central Daylight Savings Time, Learning Resource Center, 208 N. Kentucky Avenue, Madisonville, Kentucky.

May 1, 7:00 p.m., Eastern Daylight Savings Time, Sheraton Inn, I-64 & Hurstbourne Lane, Louisville, Kentucky.

May 2, 7:00 p.m., Eastern Daylight Savings Time, Drawbridge Inn, Exit I-75, Ft. Mitchell, Kentucky.

May 3, 7:00 p.m., Eastern Daylight Savings Time, Hilton Inn, I-75 and Newtown Pike, Lexington, Kentucky.

All interested persons are invited to attend and those interested will be given an opportunity to comment. Those wishing to comment should review the plan in advance.

In addition, anyone wishing to do so may submit written comments to the Bureau of Education for Exceptional Children at the address given below. The deadline for submission of written comments is May 15, 1979. Following the public comment period, the Annual Program Plan will be revised based on comments received. Written responses to both written comments and comments received at the hearings will appear in the final copy of the plan. Plans call for revisions in the Annual Program Plan to be completed and the final plan to be submitted to the U. S. Office of Education by the end of June, 1979.

Copies of the proposed plan are available for review and comment by contacting:

Bureau of Education for Exceptional Children
Division of Supporting Services
Capital Plaza Tower, 8th Floor
Frankfort, Kentucky 40601"

As documented by Attachment C, this notice was also released through the Department of Public Information to press row thereby making it available to all newspapers and radio and TV stations in the state. The notice was posted at the annual meetings of the Kentucky Association for Retarded Citizens on March 24, 1979 and the Council for Exceptional Children on April 6 and 7, 1979. As documented by Attachment D, all local school districts received a copy of the plan, information about the hearings and an opportunity to comment. Also, numerous other public, private, professional and parent organizations listed on Attachment E received a copy(s) of the plan with a request for review and comment. Notice regarding the hearings and availability of the plan was also released through the Department of Education publications, EDNews and Leaders Lines. EDNews has statewide circulation of 41,000 educators (including all teachers and administrators), legislators, and citizens. Lastly, the Director, Division of Supporting Services, appeared on a 30 minute public service program, "New Shapes Education" for the purpose of discussing the FY 1980 Annual Program Plan, the public hearings, and opportunity to comment. This program was aired statewide in April, 1979 through the Kentucky Educational Television Network and through local television stations in Louisville and Lexington, Kentucky. Two radio broadcasts aired statewide as well as local radio broadcasts were also provided.

Attachment F provides a summary of public comments received and responses to these comments.

2. Input and Review by the State Advisory Panel for Exceptional Children

The State Advisory Panel for Exceptional Children provided input into the plan's development at three points. First, the panel makes recommendations to the State Department of Education on an ongoing basis in regard to unmet needs, funding, rules and regulations, and results of impartial due process hearings. Secondly, the panel provided input into the development of the FY 1980 Annual Program Plan at its January 25 and 26, 1979 meeting. Lastly, the panel reviewed and commented on this plan at its April 19 and 20, 1979 meeting. Panel comments appear with the summary of public comments in Attachment F.

3. A-95 Clearinghouse Review

According to KRS 42.320, agencies making application for federal funds, aids, loans or grants must file a summary notification of the application with the Department of Finance. In June, 1979, a copy of the Annual Program Plan was sent to the Commissioner for review and comment. A copy of the A-95 report appears as Attachment G.

4. State Planning Committee Review

Pursuant to KRS 147.070, each agency requesting executive approval of a federally mandated state plan must submit such a plan to the State Planning Committee for review at least 30 days prior to submission to the federal agency. Executive approval of this plan as documented in the presubmission section indicates satisfactory review by this committee.

SUBSECTION B. NOTICE OF FY 1979 ANNUAL PROGRAM PLAN APPROVAL

Public notice was provided statewide that the 1979 Annual Program Plan was approved and that funding was received. A copy of the news release sent by the Department of Public Information to every newspaper in the state and all television and radio stations appears as Attachment H. In addition, all local school districts and other appropriate agencies and groups listed on Attachment E were similarly notified by letter (Attachment I) and received a copy of the approved plan. Information regarding plan approval was disseminated statewide through the Department of Education publications EDNews and Leaders Lines.

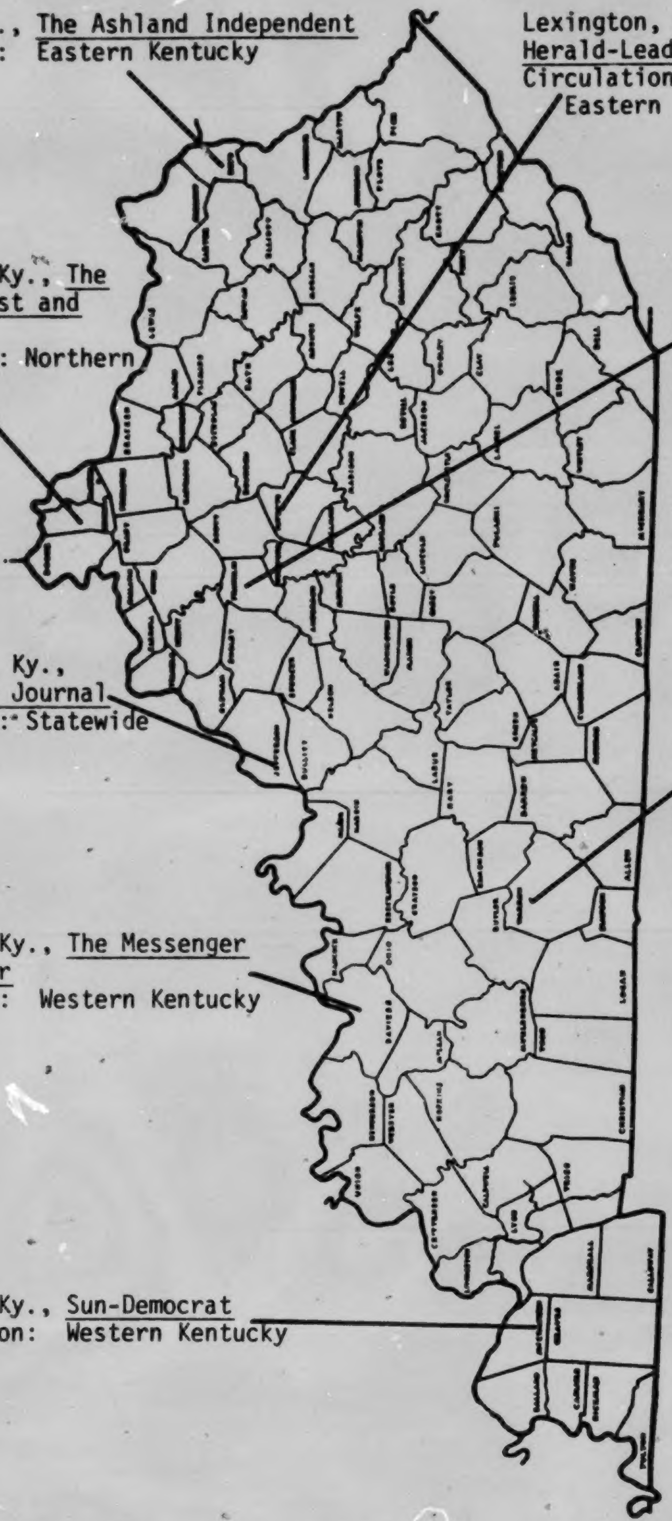
SUBSECTION C. POSTSUBMISSION

The following is a description of the method(s) to be used in making public this Annual Program Plan for FY 1980 once the State plan is approved by the U. S. Commissioner of Education.

Attachment J provides a copy of the statement which will be released by the Department of Public Information to all statewide and local newspapers, radio and television stations in Kentucky. This notice will also be made available through the EDNews and Leaders Lines (Department of Education publications) which, taken together, reach all state and local education agency administrative and teaching staff as well as other relevant groups. All local school districts and other appropriate agencies will be similarly notified by letter and will receive a copy of the plan.

ATTACHMENT

LOCATION OF NEWSPAPER RELEASES CONCERNING PUBLIC HEARINGS AND AVAILABILITY OF FY '80 ANNUAL PROGRAM PLAN FOR REVIEW AND COMMENT



Ashland, Ky., The Ashland Independent
Circulation: Eastern Kentucky

Lexington, Ky., The Lexington Herald-Leader
Circulation: Central and Eastern Kentucky

Covington, Ky., The Kentucky Post and Times Star
Circulation: Northern Kentucky

Frankfort, Ky., The State Journal
Circulation: Central Kentucky

Louisville, Ky., The Courier Journal
Circulation: Statewide

Bowling Green, Ky., Park City Daily News
Circulation: South-Central Kentucky

Owensboro, Ky., The Messenger and Inquirer
Circulation: Western Kentucky

Paducah, Ky., Sun-Democrat
Circulation: Western Kentucky

30—Ashland Daily Independent, Sunday, April 1, 1979

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Four public hearings on the plan will be conducted. The dates and locations of these hearings are as follows:

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May 3, 7:00 p.m., Eastern Daylight Savings Time, Hilton Inn, I-75 and Newtown Pike, Lexington, Kentucky

All interested persons are invited to attend and those interested will be given opportunity to comment. Those wishing to comment should review the plan in advance.

In addition, anyone wishing to do so may submit written comments to the Bureau of Education for Exceptional Children at the address given below. The deadline for submission of written comments is May 15, 1979. Following the public comment period, the Annual Program Plan will be revised based on comments received. Written responses to both written comments and comments received at the hearings will appear in the final copy of the plan. Plans call for revisions in the Annual Program Plan to be completed and the final plan to be submitted to the U.S. Office of Education by the end of June, 1979.

Copies of the proposed plan are available for review and comment by contacting:

Bureau of Education for Exceptional Children, Division of Supporting Services, Capital Plaza Tower, Room [illegible]
Frankfort, Kentucky 40601

Published, April 1, 8, 1979.

52—Ashland Daily Independent, Sunday, April 8, 1979

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Bureau of Education for Exceptional Children, Division of Supporting Services, Capital Plaza Tower, Room [illegible]
Frankfort, Kentucky 40601

Published April 1, 8, 1979.

The Courier-Journal and The Louisville Time

Incorporated

STATE OF KENTUCKY
County of Jefferson } SS.

Affidavit of Publication

I, GLORIA J. OLSCHEWSKI
THE COURIER-JOURNAL AND THE LOUISVILLE TIMES COMPANY, publisher of TH
JOURNAL and THE LOUISVILLE TIMES, papers of general circulation, printed and publi
ville, Kentucky, do solemnly swear that from my own personal knowledge, and reference t
said publications, the advertisement of LEGAL AD: KENTUCKY'S ANNUAL PROGRA

THE COURIER-JOURNAL as follows: | THE LOUISVILLE TIMES as follow

Date	Lines	Date	Lines	Date	Lines	Date
04/01/79	84	~~(SUNDAY)~~				
04/08/79	84	~~(SUNDAY)~~				

Gloria J. Olschewski
(Signature of person making proof.)

Subscribed and sworn to before me this 10th day of APRIL, A.D. 19 79

My commission expires JUNE 22, 19 82

Mary Ritter
(Notary Public)

D-8

NOTICE OF PUBLIC
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Bureau of Education
for Exceptional Children
Division of Supporting Services
Capital Plaza Tower, Rm 800
Frankfort, Ky 40601

DAILY NEWS, BOWLING GREEN, KENTUCKY SUNDAY, APRIL 1, 1979

NOTICE OF PUBLIC HEARINGS ON KENTUCKY'S ANNUAL PROGRAM PLAN FOR THE EDUCATION OF EXCEPTIONAL CHILDREN

The Kentucky State Department of Education will hold public hearings on Kentucky's proposed FY 1980 Annual Program Plan for the Education of Exceptional Children under Public Law 93-380 as Amended by Public Law 94-142. This plan represents Kentucky's yearly plan for special education. It documents Kentucky's compliance with Public Law 94-142 and describes educational programs for exceptional children in Kentucky. The plan must annually be submitted to the U.S. Office of Education for approval. Approval of this plan will result in Kentucky receiving Federal funds for the 1979-80 school year. The major portion of these funds will flow through to local school districts to assist them in paying for the excess costs involved in providing special education and related services to exceptional children.

Four public hearings on the plan will be conducted. The dates and locations of these hearings are as follows:

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May 3, 7:00 p.m., Eastern Daylight Savings Time, Hilton Inn, I-75 and Newtown Pike, Lexington, Kentucky.

All interested persons are invited to attend and those interested will be given opportunity to comment. Those wishing to comment. Those wishing to comment should review the plan in advance.

In addition, anyone wishing to do so may submit comments to the Bureau of Education for Exceptional Children at the address given below.The deadline for submission of written comments in May 15, 1979. Following the public comment period, the Annual Program Plan will be revised based on comments received. Written responses to both written comments and comments received at the hearings will appear in the final copy of the plan. Plans call for revisions in the Annual Program Plan to be completed and the final plan to be submitted to the U.S. Office of Education by the end of June, 1979.

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Bureau of Education for Exceptional Children
Division of Supporting Services
Capital Plaza Tower, Room 803
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SUNDAY, APRIL 8, 1979 DAILY NEWS, BOWLING GREEN, KENTUCKY

The Kentucky Post, Monday, April 2, 1979 11

Legal Notice

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Bureau of Education for Exceptional
Division of Supporting Services
Capital Plaza Tower, Room [illegible]
Frankfort, Kentucky [illegible]
#[illegible]—Published April 2, 9, 1979

10 The Kentucky Post, Monday, April 9, 1979

Legal Notice

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D-2 Sunday Herald-Leader, Lexington, Ky., April 1, 1979

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Room 803; Frankfort, Kentuc
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D-2 Sunday Herald-Leader, Lexington, Ky., April 8, 1979

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3 LEGAL NOTICES

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MESSENGER - INQUIRER, Owensboro, Ky., Sun., Apr. 1, 1979 7D

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PAGE 6—C THE PADUCAH SUN, PADUCAH, KENTUCKY SUNDAY, APRIL 8, 1979

9 **LEGAL NOTICE**

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Bureau of Education for Exceptional Children, Division of Supporting Services, Capital Plaza Tower, Room 803
Frankfort, Kentucky 40601

STATEMENT

THE PADUCAH SUN

CLASSIFIED ADVERTISING
PADUCAH, KENTUCKY 42001

15997
PHONE 443-1771

408-12 KY. AVE.

1ST DAY RUN	LAST DAY RUN	CLASSIFICATION	LINES	TIMES	RATE	BOX #
4- 1	4-8	legal notice	90	2	.66	

	PHONE # / DATE	TRANS	AMOUNT
TOTAL CLASSIFIED CHARGE→	4-8-79	144679	$118.80

Dept. of Education, ATTN: Peggy Stephens,
Bureauof Education for Exceptional Children,
Capitol Plaza Tower, Room 804, Frankfort, KY 40601

THIS MEMORANDUM CHARGE WAS MADE AND PROMPT SETTLEMENT WILL BE APPRECIATED
PLEASE RETURN THIS STATEMENT WITH REMITTANCE

Page 8 The State Journal, Frankfort, Kentucky, April 1, 1979

Legal Advertisement

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Capital Plaza Tower, Room 863
Frankfort, Kentucky 40601

4-1-8-79

Page 14 The State Journal, Frankfort, Kentucky, April 8, 1979

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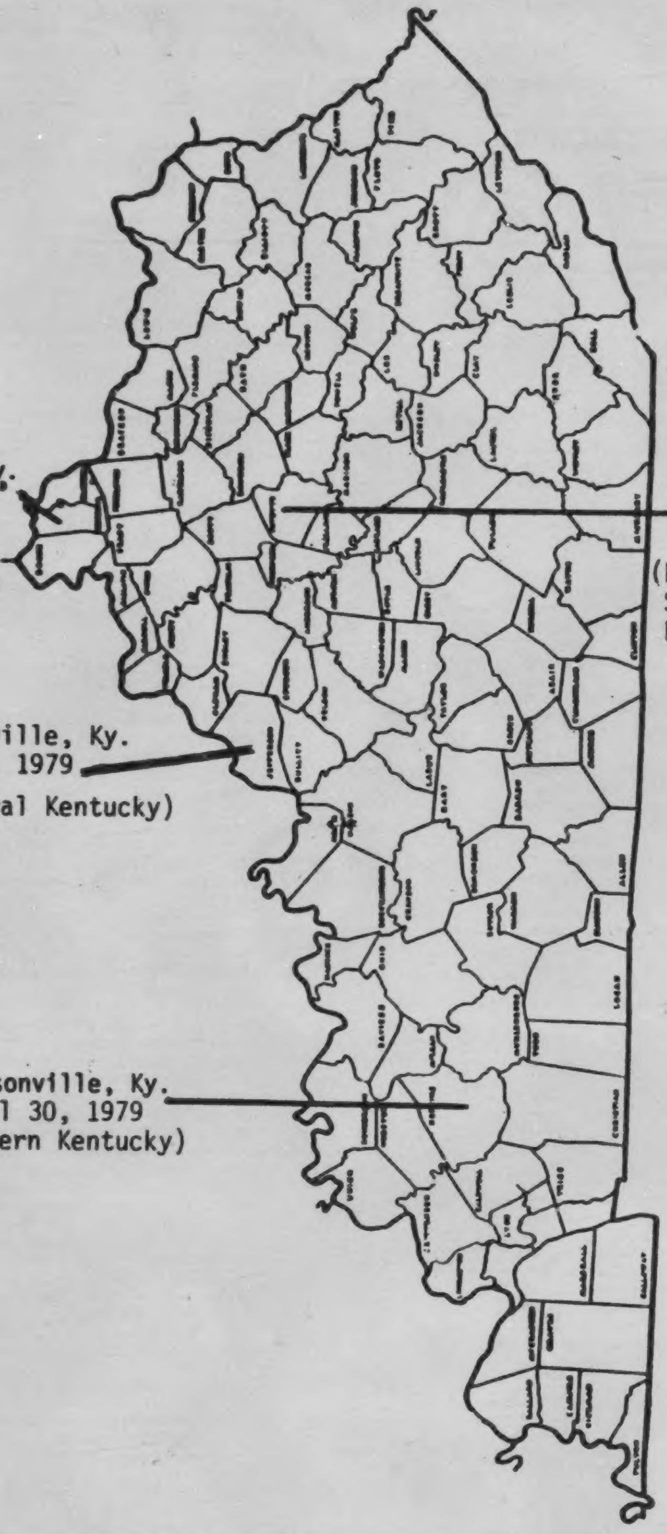
Capital Plaza Tower, Room 863
Frankfort, Kentucky 40601

4-1-8-79

ATTACHMENT B

DATES AND LOCATIONS OF PUBLIC HEARINGS ON FY '80 ANNUAL PROGRAM PLAN



Covington, Ky.
May 2, 1979
(Northern and Northeastern Kentucky)

Lexington, Ky.
May 3, 1979
(Eastern & Southeastern Kentucky)

Louisville, Ky.
May 1, 1979
(Central Kentucky)

Madisonville, Ky.
April 30, 1979
(Western Kentucky)

ATTACHMENT C

15

Kentucky news
COMMONWEALTH OF KENTUCKY
Department of Public Information

CONTACT: Mary Gehant (502) 564-6814
Education and the Arts

STATEWIDE

FRANKFORT, Ky. (April 16, 1979) -- The Kentucky Department of Education will hold four public hearings to receive comments from interested people on the department's proposed plan for special education for exceptional children. The plan covers the period from July, 1979 to June, 1980.

The plan must be submitted every year to the U. S. Office of Education. Approval of the plan by that office will result in Kentucky receiving approximately $12.6 million in federal funds for the 1979-1980 school year. (Kentucky is getting $8.8 million for the current year.) The major portion of federal funds goes to local school districts to help pay excess costs involved in providing special education and related services to exceptional children.

The schedule for the public hearings is:

April 30	7 p.m. CDST	Learning Resource Center 208 North Kentucky Avenue Madisonville, Kentucky
May 1	7 p.m. EDST	Sheraton Inn I-64 and Hurstbourne Lane Louisville, Kentucky
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Billie R. Downing, head of the Bureau of Education for Exceptional Children, Department of Education explained that citizens who wish to voice their concerns about the proposed plan should review it in advance of the hearings. Copies may be obtained from the Division of Supporting Services, Bureau of Education for Exceptional Children, Department of Education, Capital Plaza Tower, Frankfort, Kentucky, 40601.

- more -

Downing said that in addition to comments made at the hearings, the bureau will accept written comments submitted before May]5. The plan will be revised based on public reaction and the final plan will contain written responses to all comments. The revised plan is scheduled to be submitted to the U. S. Office of Education in June.

- 30 -

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF EDUCATION
FRANKFORT, KY. 40601

JAMES B. GRAHAM
SUPERINTENDENT OF PUBLIC INSTRUCTION

April 5, 1979

Dear Superintendents:

You have recently received a copy of Kentucky's approved Fiscal Year 1979 Annual Program Plan for the Education of Exceptional Children under Public Law 93-380 as amended by Public Law 94-142. In my letter which accompanied this plan, it was explained that you would soon be receiving a copy of the proposed Fiscal Year 1980 Annual Program Plan for your review and comment. As you are aware this is the earliest that this plan has been completed.

For your information, the Kentucky State Department of Education will hold public hearings on Kentucky's proposed Fiscal Year 1980 Annual Program Plan for the Education of Exceptional Children under Public Law 93-380 as Amended by Public Law 94-142. This plan represents Kentucky's yearly plan for special education. It documents Kentucky's compliance with Public Law 94-142 and describes educational programs for exceptional children in Kentucky. The plan must annually be submitted to the U.S. Office of Education for approval. Approval of this plan will result in Kentucky receiving Federal funds for the 1979-1980 school year. The major portion of these funds will flow through to local school districts to assist them in paying for the excess costs involved in providing special education and related services to exceptional children.

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Frankfort, Kentucky 40601

Thank you for your time and assistance in reviewing this plan.

Sincerely,

James B. Graham

James B. Graham
Superintendent of Public Instruction

ANNUAL PROGRAM PLAN MAILING LIST

Robert Brewer
Ashland Youth Development Center
3700 13th Street
Box 1507
Ashland, KY 41101

Walter Shamble, Director
Christian County Day Treatment Center
1015 Skyline Drive
Hopkinsville, KY 42240

George Page, Director
Lake Cumberland Boys' Camp
Route 4
Monticello, KY 42633

Bob Jenkins, Director
Newport Alternate Middle School
Seventh & Washington Sts.
Newport, KY 41071

Joe Ballard, Director
Green River Boy's Camp
Route 1
Cromwell, KY 40233

Mike Murphy, Director
Morehead Treatment Center
Route 1
Morehead, KY 40251

Walt Chapleau, Director
Woodsbend Youth Development Center
Route 1, Box 85 E
West Liberty, KY 41472

Joe Barbee
Acting Superintendent
Danville Youth Development Center
Box 81, Burgin Road
Danville, KY 40422

Carl Davis
Acting Superintendent
Lincoln Village
P.O. Box 740
Elizabethtown, KY 42701

Ms. April Kerr, Chairperson
Task Force on Logic & Regulations
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In addition, the Annual Program Plan was sent to all local school districts and the State Advisory Panel for Exceptional Children and disseminated through public hearings and in response to requests received.

COMMENTS ON THE FY 1980 ANNUAL PROGRAM PLAN

The following is a synthesis of comments made on the FY 1980 Annual Program Plan and responses to those comments. These comments were received by the Bureau of Education for Exceptional Children as a result of review by the State Advisory Panel for Exceptional Children, comments made at public hearings, and written comments submitted to the Bureau of Education for Exceptional Children. Audio tape recordings were made at each of the hearings that were held on the plan. All suggestions of an editorial or typographical nature have been incorporated into the plan.

COMMENT: Several commentors including a number of individuals, the Council of Administrators of Special Education in Kentucky (Division of the Council for Exceptional Children), the Kentucky School Boards Association and the Central Kentucky School Superintendent's Association expressed concern regarding the funding of programs for exceptional children through state funds and through EHA, Part B (monies made available to states and local school districts through P.L. 94-142). Concerns included:

(1) State funding for programs for exceptional children needs to be increased.

(2) The federal appropriation for EHA, Part B has not equaled the level at which Congress is authorized under P.L. 94-142. As a result, the federal government's financial commitment to programs for exceptional children is not consistent with nor sufficient for meeting the requirements of P.L. 94-142. Much of the public is apparently not aware of this problem. This may be attributable in part to the fact that information is disseminated regarding the federal authorization level rather than the actual appropriation level and that public service announcements sponsored by the federal government (such as Closer Look) give the impression that federal funds are sufficient to implement P.L. 94-142 when this is not the case.

(3) Delays experienced by the State Department of Education in acquiring approval of the Annual Program Plan each year have resulted in local school districts not being able to receive funds through EHA, Part B until late in the school year. Commentors noted that delays in Annual Program Plan approval are not unique to Kentucky and are, in many instances attributable to factors over which the Department of Education has little or no control. It was therefore recommended that both the Department of Education and the U.S. Office of Education take necessary steps to allow for Annual Program Plan approval at the earliest possible date, preferably before the beginning of the school year.

(4) The elimination of first quarter funding under EHA, Part B will result in increased hardships for local school districts in providing services for exceptional children. Up until FY 1980, the U.S. Office of Education (USOE) had allowed states (and thereby local school districts) to receive funds under EHA, Part B for the first quarter of the fiscal year if the state's Annual Program Plan was in substantially approvable form. This policy change by the USOE will result in the Department of Education being unable to approve local school districts' applications for funds under EHA, Part B until full approval of the Annual Program Plan is received. Therefore, local school districts will receive neither first quarter funding nor authorization to utilize general funds for Part B designated activities until the Annual Program Plan is fully approved.

RESPONSE: Since these comments are basically not applicable to the content of the plan, no change has been made. However, the Kentucky Department of Education is currently exploring alternatives for improving state funding for programs for exceptional children. In addition, concerns related to EHA, Part B funding and Annual Program Plan approval has been expressed to the U.S. Office of Education by the Kentucky Department of Education. Other attempts by the Department of Education to insure that EHA, Part B funds flow through to local school districts as soon as possible include preparation and submission of the Annual Program Plan at an earlier date than in previous years as well as increased attempts to assist local school districts in the preparation of applications for funds under EHA, Part B.

COMMENT: One commenter expressed appreciation that the Department of Education flows through to local school districts 85% of the EHA, Part B funds received by the state rather than the 75% minimum required by federal regulations.

RESPONSE: No change in the plan was necessary based on this comment.

COMMENT: Several commentors and the Kentucky Developmental Disabilities Planning Council expressed concern that the plan identifies that all children ages 6 through 17 are to be provided a free appropriat public education by September 1, 1978 and full educational opportunities but that there are still children in this age group who are unserved or inadequately served.

RESPONSE: It is recognized by the Department of Education and federal regulations under P.L. 94-142 (121a.320 and 121a.321) that unserved children will continue to be identified. Problems faced by state and local agencies in making all necessary services available include insufficient funding and difficulties in acquiring sufficient numbers and types of qualified personnel. As described in Section IV of the plan, EHA, Part B funds are and will continue to be used to address state and local needs of first and second priority children. Additional information has been added to the chart which appears in this section to more specifically identify priority areas for funding. Section X of this plan includes information related to personnel development. Information has also been added to this section regarding the State Department of Education efforts to recruit and train adequate numbers and types of personnel to serve all exceptional children. Lastly, Sections XV and XVI of the plan include procedures used to monitor and evaluation programs to assure that procedures established for meeting the needs of exceptional children in the state and procedures for responding to complaints recevied by the Bureau of Education for Exceptional Children. Additional information has been added as well to Section XVI, Subsection B regarding monitoring and evaluation procedures. However, the timeline for providing full services has not been changed.

COMMENT: Several individual commentors and the Kentucky Developmental Disabilities Planning Council, the State Advisory Panel for Exceptional Children and the Jefferson County Teachers Association expressed concern regarding the need for increased personnel development at both the preservice and inservice level for all personnel including regular and special education teachers, paraprofessionals, parents, related services personnel and administrators. It was noted that Tables 1A and 1B were incomplete and the data on Table 2 indicating amounts of training to be provided appeared to be inadequate to meet the needs of personnel. Particular areas of training cited by commentors included training in the use of the multidisciplinary model in working with severely/profoundly retarded children, in the implementation of revised Kentucky Administrative Regulations and procedures for impartial due process hearings, in working with parents, in developing and/or improving local school district plans for providing inservice training to all personnel related to working with exceptional children, and in the implementation/expansion of child identification activities. Additional information was also requested regarding technical assistance provided by the Bureau of Education for Exceptional Children, particularly by Field Service Consultants.

RESPONSE: Section X has been revised to address all of these areas.

COMMENT: Several individual commentors and the Jefferson County Teachers Association expressed concern regarding procedures used by the Bureau of Education for Exceptional Children to monitor and evaluate programs for exceptional children. Concerns expressed by these various commentors included the request for additional information regarding instruments used on monitoring visits, procedures used to report and follow-up on findings resulting from visits, the length of time and amount of staff involved in monitoring visits, and procedures used during monitoring visits. It was recommended to the Bureau that input from the local school district task force be solicited as part of monitoring and evaluation visits, that visits should evaluate the overall program and not individual personnel, that teacher comments offered confidentially remain confidential and that all members of the educational community, parents, teachers, aides and administrators should be provided the results of the evaluation in an open hearing sponsored by the Bureau of Education for Exceptional Children. Lastly, it was suggested that monitoring local school districts on a three year cycle is inadequate.

RESPONSE: Additional information has been provided at the end of Section XVI, Subsection B in response to requests concerning a more thorough description of monitoring and evaluation procedures. As indicated in the proposed plan, the checklist for monitoring the requirements of P.L. 94-142 and state regulations has been revised and now appears as Appendix V to this plan. Local task forces are not common to all local school districts; therefore, this recommended procedure has not been incorporated. However, public comment received by the Bureau of Education for Exceptional Children through complaint procedures described in Section XVI, Subsection A is one factor considered in determining programs to be monitored and evaluated. As indicated in the proposed plan in Section XV, Subsection C, the Bureau will evaluate its monitoring and evaluation procedures and make necessary revisions prior to intiation of the next three year monitoring cycle which is to begin with school year 1980-81. The solicitation of public comment as part of monitoring visits will be considered as part of this evaluation. Monitoring visits do evaluate the overall program rather than individual personnel and comments of teachers offered confidentially remain confidential in that concerns identified during visits are not related to specific individuals. Therefore, no change has been made in these procedures. Bureau of Education for Exceptional

Children monitoring and evaluation reports are a matter of public record and are available by contacting the agency visited or by contacting the Bureau. This information has been added to Section XVI. In addition, monitoring procedures do not prevent the agency visited from having present at exit meetings persons of the agency's choosing, including the public and local task forces. Therefore, no change has been made in this procedure. Finally, the current number of staff in the Bureau of Education for Exceptional Children, the various duties of these staff, and the number of agencies to be visited makes monitoring on a schedule of visits more frequent than every three years impossible at this time. However, some agencies may, in fact, be visited more frequently than every three years under certain circumstances. Additional information has been presented at the end of Section XVI, Subsection B to clarify this point.

COMMENT: One commentor and the Jefferson County Teachers Association expressed the following concerns regarding responses to comments on the Annual Program Plan. One commentor felt that verbal responses should be given to comments received at public hearings at the time of the hearing rather than as written comments appearing in the Annual Program Plan. It was also requested that the Bureau of Education for Exceptional Children respond in writing to comments received on the Annual Program Plan and disseminate comments received and responses given. Lastly, it was requested that local school districts be required to respond in writing to comments received at public hearings on the Annual Program Plan.

RESPONSE: As evidenced here, the Bureau of Education for Exceptional Children does respond in writing to all comments received and comments received and responses to these comments are disseminated through dissemination of the Annual Program Plan which is revised based on public comment. No change has therefore been made in this procedure which has been followed for all Annual Program Plans. No change has been made in procedures followed during the course of a hearing. That is, comments will not be responded to at the time of the hearing although time will continue to be allowed for informal discussion at the conclusion of the hearing. This is based on the rationale that all information necessary for making responses is not available at the time of the hearing to those conducting the hearing and that many comments require further data collection, legal clarification, or study prior to providing a response. Lastly, it is not considered appropriate for local school districts to be required to respond to comments which the Department of Education receives on the Annual Program Plan. However, local school districts are required by federal regulations under P.L. 94-142 (121a.234) to use methods to allow for public participation in development of the application for the use of EHA, Part B funds comparable to those the state uses in regard to the Annual Program Plan with the exception that local school districts are not required to hold public hearings. However, some elect to do so. Each local school district application must describe these methods including comments received and any necessary modifications resulting from these comments. As pointed out in information added to the end of Section XVI, Subsection C, an instructional manual has been developed to assist local school districts in the development of EHA, Part B applications. This requirement will be clarified in that manual. As provided for in P.L. 94-142 regulation 121a.234, this application is required to be made available to the parents and the general public. The public therefore has the opportunity to be made aware of comments received on the district's application and any necessary modifications made in the application as a result of public comment.

COMMENT: One commentor and the Kentucky Developmental Disabilities Planning Council expressed concerns regarding the membership of Admissions and Release Committees as described in Section VI of the plan. Concerns were made that descriptions of the Admissions and Release Committees do not allow for the inclusion of those persons asked to assist by the child's parents and persons to interpret evaluation information.

RESPONSE: Committee membership does allow for those persons asked to assist by a child's parents. This is described at the end of Item 6 in Section VI. As also described in this item, committee membership is to include personnel responsible for providing evaluation information and this includes interpretation of the results of the evaluation. Both the parents' right to have present persons at their discretion and the parents' right (as described in Section VII) to an independent evaluation which must be considered when making educational decisions about the child further insure that evaluation personnel may include both local school district/ agency personnel and evaluation personnel from other agencies. Therefore, no change has been made in the plan based on these comments.

COMMENT: Several commentors and the State Advisory Panel for Exceptional Children commented on the summary of the Annual Program Plan provided to the panel, the public at the time of public hearings, and with the plan in response to written requests received by the Bureau of Education for Exceptional Children. It was felt that this summary was very helpful and assisted the public in its review of the plan.

RESPONSE: No change in the plan has been made based on this comment. However, this practice will be continued.

COMMENT: The State Advisory Panel for Exceptional Children suggested that information be provided in an introduction to the plan indicating that Appendix material incorporated by reference from the FY 1979 Annual Program Plan is available by contacting the Bureau of Education for Exceptional Children.

RESPONSE: An introduction has been added to the plan in light of this comment.

COMMENT: Several commentors and the State Advisory Panel for Exceptional Children made suggestions regarding the local school district application for funds under EHA, Part B which appears in Appendix II of this plan. Comments included suggestions that information requirements related to Child Identification and data tables needed revision.

RESPONSE: Requirements for the submission of policies, procedures and information in the EHA, Part B application are based on federal regulations and, therefore, changes cannot be made in information requested. Data required as part of the application is based on forms that the Department of Education is required to submit to the U. S. Office of Education and, therefore, data requests cannot be changed. However, based on public input, data forms and instructions for supplying information related to Child Identification have been revised as much as possible to assist local school districts in supplying information based on federal requirements. Also, as a result of public input, increased technical assistance is planned to help local school districts in completion of the EHA, Part B Application. This revision appears at the end of Section XVI, Subsection C.

COMMENT: Several commentors noted that procedures for making the plan available and for providing public notice regarding the plan and opportunity to commend had been very much improved this year. Several noted that having hearings in the evening allowed an opportunity for greater parent and teacher participation.

RESPONSE: No change is necessary based on this comment.

COMMENT: One commentor suggested that public notice was not sufficient to insure that all areas of the state (specifically Eastern Kentucky) were notified regarding availablility of the plan and that the location of public hearings were in all cases at least two hours or more distant from Eastern Kentucky.

RESPONSE: Additional information has been provided in Section I regarding efforts by the Kentucky Department of Education to provide public notice regarding the availability of the plan and opportunity to comment. It is felt that procedures utilized including the use of newspapers and other media was sufficient to notify the general public about the hearings, the availability of the plan and opportunity to comment. Attempts were made to schedule hearings in locations readily accessible by major transportation routes from all areas of the state. It is felt that the provision of four hearings and the opportunity for written comment were sufficient to afford interested parties throughout the state a reasonable opportunity to participate.

COMMENT: Several commentors and the State Advisory Panel for Exceptional Children called attention to the state's efforts to increase the effectiveness of Child Identification efforts at the state and local level. Commentors generally agreed that there is a need for additional leadership and technical assistance from the State Department of Education in the area of Child Identification and commended the Department for this expanded effort. One commentor expressed concern that the state's effort be as well organized and planned for as possible and that efforts to identify increased numbers of exceptional children be carried out in such a way to insure that children are appropriately identified. Another commentor suggested that a variery of agencies (in addition to local school districts) need to be involved in the identification of exceptional children.

RESPONSE: Section V of this plan identifies plans to expand Child Identification efforts in a well-planned, well-organized manner. In addition, the plan describes the utilization of a variety of agencies and organizations in addition to local school districts in Child Identification efforts. This can be found in Section V, Subsection B and Subsection D. In addition, Section III of the plan discusses activities of the Kentucky Department of Education--Department for Human Resources Task Force which include activities directed toward interagency coordination of Child Identification efforts. Therefore, no change has been made in the plan.

COMMENT: One commentor noted that the format of Section V was changed from that which was followed for the FY 1979 Plan to the one which is utilized in the FY 1980 Plan. It was felt that many items discussed in the FY 1979 Plan were not addressed in the FY 1980 Plan. Particular attention was drawn to the interagency referral system identified in the discussion of the FY 1979 activities but, in this commentor's view, not discussed in the description of FY 1980 efforts.

RESPONSE: Section V of the FY 1980 Plan was reorganized using a format different from that which was used with the FY 1979 plan in an attempt to present information and plans in a clearer, more readable manner and in an attempt to adhere to the outline for Annual Program Plan development supplied to states by the U.S. Office of Education. As cited in the responses above, the FY 1980 Plan does address continuation and expansion of Child Identification on an interagency basis, both through the identification of new efforts and the continuation of systems and procedures set out in previous years' plans and incorporated by reference into this year's plan. In an effort to gather more specific information regarding interagency coordination on the local level related to child identification and in light of this and other comments received on the plan, the EHA, Part B application for FY 1980 (see Appendix II) has been revised.

COMMENT: Several commentors felt that a more concerted effort needs to be made in the area of public awareness and parent training to insure that parents are informed of all their rights, particularly in cases where severely handicapped children are out-of-school or are being served on homebound instruction. Several commentors commended the Department of Education for plans to increase public awareness activities and for planned efforts related to parent training.

RESPONSE: Public awareness and parent training efforts are described in Sections V and X of this plan. Additional information has been added to Section X to describe parent training/awareness activities. In addition, the EHA, Part B application (Appendix II) has been revised to obtain more specific information on public awareness efforts on the local level.

COMMENT: One commentor expressed concern regarding requirements of P.L. 94-142 dealing with the development of individual education programs (IEPs), parental involvement, and the definition of what constitutes "appropriate" in the term a free appropriate public education. The commentor expressed concern that the development of IEPs is a very time consuming process for all concerned (that is, parents, teachers, administrators, evaluation personnel, and the like). Further, despite efforts to inform and involve parents, this commentor felt that many parents are not choosing to participate fully in the educational process and, more specifically, in IEP development to the extent anticipated by those who drafted federal regulations.

RESPONSE: State requirements for IEPs and parental involvement and the definition of a free appropriate public education are based on federal requirements and are described in this plan. No change has been made. However, assistance is available through the Department of Education to help local school districts and other agencies in meeting these requirements.

COMMENT: One commentor noted that there are several references to committee efforts and especially to parental involvement in the development of the IEP. It was asked if there are further guidelines on the roles of each team member in this process and the time at which they should be involved. It was suggested that it would be difficult and time-consuming for the document to be written by the committee at the time they meet, but that if all concerned individuals are to actually have an opportunity for input, the IEP should not be written by a single individual in advance of the meeting. It was requested the state's interpretation of the law's intent in this regard be provided.

RESPONSE: As cited in Section VI of this plan, the manual, "Procedures for the Identification, Evaluation and Placement of Exceptional Children", was developed and disseminated to assist agencies in identifying the roles and responsibilities of committee members. 707 KAR 1:051 also establishes roles and responsibilities of various committee members. Standards which are now being finalized will provide additional clarification. Information has been added to Section VI regarding the preparation of written recommendations prior to the committee meeting.

COMMENT: The Jefferson County Teachers Association requested clarification regarding who may request an impartial due process hearing in cases regarding disagreement concerning the identification, location, evaluation and placement or the provisions of a free appropriate public education to an exceptional child. Specifically, it was asked if a teacher has the right to request an impartial due process hearing.

RESPONSE: Both the parent and the agency has the right to request an impartial due process hearing as provided through 707 KAR 1:060 and the Due Process Policy and Procedure Manual and as described in Section VII of this plan. The right of the agency to request an impartial due process hearing extends to all agency employees involved in the education of the child including the child's teacher. Clarification to this effect appears at the end of Section VII of this plan.

COMMENT: One commentor noted that IEPs are to be evaluated every three years and suggested that the state's plan for a three year monitoring cycle does not provide sufficient monitoring.

RESPONSE: As described in Section VI of this plan, IEPs are to be evaluated annually through the requirement that the appropriate admissions and release committee annually review and revise, where appropriate, IEPs developed for each exceptional child. Provision is also made for maintaining records of the student's progress in achieving short term objectives identified on the IEP and that a meeting(s) of the admissions and release committee for the purpose of reviewing the child's IEP may be requested at any time (but at least annually). These requirements are carried out at the local level to insure continuous monitoring of the child's progress and, at least, annual evaluation of the IEP. The state, in turn, conducts on-site visits on a three year monitoring schedule. A component of these monitoring visits is that of reviewing IEPs. The state is establishing a child tracking system as described in Section V of this plan. It is felt that these procedures and plans for expanded efforts satisfactorily meet requirements for IEP monitoring. Therefore, no change has been made in the plan.

COMMENT: Several commentors identified the problems of serving low-incidence handicapped children and the recruitment of sufficient numbers and types of personnel needed to serve exceptional children. It was noted that this problem is particularly acute in rural areas. Commentors expressed concern that the plan does not satisfactorily address these problems.

RESPONSE: Local school districts may enter into consolidation or consortium arrangements with other local school districts to serve low-incidence handicapped children and this practice is encouraged by the Bureau of Education for Exceptional Children. This can be done with both EHA, Part B funds and through the Minimum Foundation Unit Program.

A portion of the State's Share-Discretionary Funds have been designated for addressing the problem of serving low-incidence handicapped children on a multi-district basis in rural areas. Section IV has been revised to add more specific information on this effort. Section X has also been revised to add information regarding efforts related to personnel training and recruitment.

COMMENT: Several commentors expressed concern that the Committee for the Comprehensive System of Personnel Development described in Section X does not sufficiently address all geographic areas of the state. Some commentors felt that more representation from northern Kentucky should be included. One commentor noted that only one person from eastern Kentucky is on this committee.

RESPONSE: As pointed out in Section X, the membership of this committee is expanded through the use of task forces. The Bureau of Education for Exceptional Children would welcome the opportunity to learn of concerned persons who would be interested in serving on these task forces. A statement to this effect has been added to Section X. A revision has also been added regarding efforts that will be made this year to make people more aware of this committee and its functions.

COMMENT: One commentor noted that the category of exceptionality for multiple handicapped children potentially places severely retarded and severely emotionally disturbed children in the same classroom and that such a situation is very undesirable.

RESPONSE: The eligibility criteria for programs for multiple handicapped children as found in 707 KAR 1:058 requires that those children shall have two or more handicaps and that the term shall not include deaf-blind children or severely/profoundly handicapped children. It is felt that requirements related to placement through the admissions and release committee process and the right to an impartial due process hearing serve as protections for avoiding situations which are undesireable in terms of the needs of children.

COMMENT: One commentor questioned what funds are being made available through the Department of Education for inservice training. This commentor requested information on what inservice training is being made available, how inservice activities are evaluated, and how the results of these evaluation activities are made available.

RESPONSE: Section X of the plan addresses these concerns. Therefore, no change has been made.

COMMENT: Comments were received regarding Standards for Programs for Exceptional Children. One commentor expressed concern that the plan addressed Standards which are not yet in place. Of particular concern was that Standards are not in place for class size or for use of the variation plan. Another commentor asked why the Department of Education is changing from guidelines to standards.

RESPONSE: Standards are being finalized at this time. Information has been added in an introduction to this Plan regarding the timelines for finalizing and submission for approval of these Standards. Until such time as these Standards are approved, the Guidelines for Programs for Exceptional Children are on file with the Legislative Research Commission and are serving on an interim basis as Standards. These Guidelines identify class size. Guidelines for the operation of variation plans are found in 707 KAR 1:051, Section 1. Lastly, a change is being made from guidelines to standards because of the following reasons. Guidelines revisions were necessitated by revisions in the Kentucky Administrative Regulations. Up until Standards were referenced in Kentucky Administrative Regulations, guidelines had no force of regulation and therefore were not enforceable. Lastly, the decision was made to change the terminology from "guidelines" to "standards" to avoid confusion of these two documents and because of the nature of these two documents, that is "guidelines" were intended to serve as guides whereas "standards" have the force of regulation and serve as standards for program operation. No change has been made in the plan in light of these latter comments.

COMMENT: Several commentors expressed concern that Kentucky Administrative Regulations mandate requirements over and above federal regulations. Particularly cited was the regulation dealing with reevaluation of the child at least every three years. Concern was that state requirements mandate that the child be reevaluated using the same tests that were initially administered to make decisions to initially place the child.

RESPONSE: It is felt that Kentucky Administrative Regulations closely parallel federal regulations and do not exceed federal regulations unnecessarily. The federal regulation dealing with reevaluation is 121a.534. This regulation requires that each child's IEP be reviewed at least annually and revised where appropriate and that an evaluation of the child based on procedures which meet requirements for evaluation (found in 121a.532 of federal regulations) is conducted every three years or more frequently if the child's parents or teacher requests an evaluation. 707 KAR 1:051 contains the same requirements. Specifically, 707 KAR 1:051, Section 4(6) requires that "each child placed in a program for exceptional children shall be reevaluated every three years or more frequently as warranted." It is felt that state and federal requirements are the same. Neither of these regulations state that the child should be reevaluated on the same tests that were initially administered. The determination of evaluation procedures to be used is to be based on Kentucky Administrative Regulations regarding criteria for placement in the categories of exceptionality and requirements for protection in evaluation and on the decision of the appropriate admissions and release committee regarding the kinds of evaluation information needed to make decisions about the child. These requirements are cited in this plan through information which is incorporated from the FY 1979 plan. Therefore, no change has been made.

COMMENT: Several commentors expressed concern in regard to class size for exceptional children. It was the concensus of those commenting that class size should be reduced. One commentor expressed concern that the class size requirements for programs for educable mentally handicapped students is too high.

RESPONSE: Class size requirements will be addressed in Standards for Programs for Exceptional Children. These standards will be available for public review and comment. Therefore, concerns regarding class size should be voiced at that time as it is not within the purview of the plan to make changes regarding class size.

COMMENT: Several commentors expressed concern regarding programs for exceptional children at the secondary level. Concerns included the lack of sufficient numbers of secondary programs and the lack of program options at the secondary level (for example, districts which have only resource rooms available rather than this option along with self-contained classrooms and other options).

RESPONSE: It is felt that requirements regarding placement and the availability of program options cited in this plan are sufficient and, therefore, these have not been changed. However, Bureau of Education for Exceptional Children monitoring and evaluation activities have verified the need for the expansion of services to secondary level students. As a result, a portion of the State's Share-Discretionary Grants has been earmarked for secondary programs and information has been added to Section IV to specify this priority. In addition, through memorandums of agreement with other state agencies serving secondary exceptional children (identified in Sections II, III and XVI and Appendix VI), a more formal mechanism has been established for addressing this problem.

COMMENT: One commentor expressed concern that many severely/profoundly retarded children are institutionalized because of the lack of availability of appropriate programs in local school districts. This commentor expressed concern that the current policy on placement of this type of child in Department for Human Resources facilities encourages local school districts to refer children for institutionalization rather than meet the needs of these children within existing school programs.

RESPONSE: As pointed out in Section VIII of this plan, local school districts are not to refer children to Department for Human Resources facilities in order to meet their educational needs. No change has been made in this policy. It is recognized, however, that an increased effort needs to be made related to serving severely/profoundly retarded children through program expansion, increased numbers of qualified personnel, and increased evaluation and consultation services. As a result, a portion of the State's share-Discretionary funds has been earmarked for this purpose. Information has been added to Section IV to reflect this priority.

COMMENT: Two commentors expressed concern regarding the programs at Kentucky School for the Deaf and Kentucky School for the Blind. Concern focused on what steps were being taken to meet the needs of these children in the least restrictive environment and to stimulate programs in local school districts as alternatives to placement in a state school.

RESPONSE: As a result of the policy statement which appeared in the FY 1979 Annual Program Plan and which has been disseminated to all local school districts, placement of children in Kentucky School for the Deaf (KSD) and Kentucky School for the Blind (KSB) is a decision which must be made through the admissions and release committee of the local school district of which the child is a resident. Local school districts are required to participate in meetings to review and revise the IEP with the placement decision being made on the basis of giving consideration to meeting the needs of the child in the least restrictive environment. While the child is placed at KSB or KSD, he or she must be integrated with non-handicapped children in academic and extracurricular activities to the maximum extent appropriate. In addition, efforts to stimulate the development of local school district programs include budgetary allocations within the budgets of KSB and KSD which allow for KSB and LSD staff to travel to and consult with local school districts.

The establishment of multi-county evaluation and consultation centers as is now identified in Section IV will also provide additional assistance to rural areas. The preschool satellite programs through KSD is another service provided at the local level. Districts are also encouraged to enter into consortium arrangements to serve children with low-incidence handicaps and to effectively utilize limited staff resources. These efforts will continue. The plan has, therefore, not been revised in light of these comments.

COMMENT: One commentor expressed concern that the testing procedures for early admission to kindergarten programs for four year olds is discriminatory against all exceptional children and that the FY 1980 plan does not address this issue.

RESPONSE: Section II establishes the right to education policy including policies for serving five year old children and for serving children ages 3 and 4. Section IX cites requirements for protection in evaluation procedures which apply to all exceptional children. Therefore, no change has been made in the plan.

COMMENT: One commentor expressed concern that Comprehensive Care Centers in eastern Kentucky have not been contacted by the Kentucky Department of Education--Department for Human Resources Task Force subtask group on local school district-comprehensive care center cooperation.

RESPONSE: Membership on this subtask group does include representatives of Comprehensive Care Centers. The Bureau of Education for Exceptional Children will be happy to communicate concerns of Comprehensive Care Center staff to this subtask group. In addition, this subtask group is chaired by the Director of the Office of Comprehensive Care Center Coordination within the Bureau for Health Services. No change has been made in the plan in light of this comment.

COMMENT: One commentor expressed concern that Section IV, Subsection D describes the use of data relevant to handicapped children served and potential numbers of handicapped children and that this description relies solely on the public schools and does not make any attempt to use comparisons with national incidence statistics.

RESPONSE: Section IV, Subsection D identifies that data is collected from local school districts and state operated programs (including Kentucky School for the Blind, Kentucky School for the Deaf and Department for Human Resources programs including facilities and Comprehensive Care Centers). National incidence figures are utilized in some computations such as in the case of computing personnel needs as described in Section X. However, it is recognized that many problems remain related to the effective collection and use of accurate data. Accordingly, as identified in Sections IV, V and XVI of this document, EHA, Part B administrative funds are being utilized to establish a child tracking system which will yield more comprehensive and more accurate data. Therefore, no change has been made in the plan based on this comment.

COMMENT: Several commentors noted that the requirements of P.L. 94-142 are very complex and all encompassing. This results in the need for increased assistance from the Department of Education and for additional administrative staff on the local level to insure implementation of P.L. 94-142. Several commentors complimented the Department of Education on the manner in which technical assistance has been provided to local school districts. One commentor noted that Bureau of Education for Exceptional Children Field Service Consultants have been particularly helpful. Another commented that the need for leadership in small rural school districts is a particular problem in that no funding source is readily available for such a person and that personnel with such expertise are not readily available. One commentor suggested that local school districts hire a special education teacher(s) in the summer to serve in an administrative capacity. In suggesting this particular alternative, this particular commentor requested that the state, or perhaps the national government, assume a leadership role in developing alternatives to assist rural districts in the administration of programs for exceptional children.

RESPONSE: As identified in Section V of this plan, EHA, Part B funds can be used to fund staff carrying out such functions related to serving the needs of first and second priority children as child find activities, curriculum development, assessment, working with parents, and the like. No revision has been made in the plan based on this comment.

COMMENT: A number of commentors noted that Kentucky has made great strides in improving special education programs and in complying with P.L. 94-142. The past few years have seen an accelerated expansion of services and an increased awareness among educators, parents and the general public in regard to programs for exceptional children.

RESPONSE: No revision has been made in the plan in light of this comment.

COMMENT: One commentor expressed concern that the placement of labels such as "learning disabled" and "educable mentally handicapped" on children and classrooms served as no benefit to the child so labeled or to the teacher serving the child.

RESPONSE: Although both state and federal regulations define categories of exceptional children and tie funds to these definitions, nothing in state or federal regulations requires the assignment of these labels to children or to classrooms other than for record keeping purposes. Therefore, no change has been made in the plan based on this comment.

COMMENT: One commentor expressed concern regarding the requirement for the administration of psychological evaluations such as the WISC-R and the Stanford-Binet for determining eligibility for some categories of exceptionality. This commentor contended that this information is frequently not useful for instructional purposes, that it has little or no benefit in the development of the IEP and that it appears that the primary purpose of this requirement for such testing is for it to serve as an administrative expedient.

RESPONSE: Both state and federal regulations require multidisciplinary assessment in all areas of suspected disability. Despite the fact that psychological evaluation is required for some areas of exceptionality, as identified in Section IX of this plan, an IQ score shall not serve as the sole criterion for making a placement decision. Rather, through the gathering of a variety of assessment information and input of the admissions and release committee, IEP development and educational decision making must be made on the sum total of information available on the child. No change in the plan has been made based on this comment.

COMMENT: Several commentors expressed the view that Kentucky's mandated service age should be expanded to include children ages three and four and eighteen through 21.

RESPONSE: The Department of Education is committed to expanding services to meet the needs of all exceptional children consistent with the full educational opportunities goal reaffirmed in Section III of this plan. This is evidenced by the full funding of kindergarten programs which led in lowering the mandated service age from 6 through 17 to 5 through 17. However, providing full funding for programs within the age groups of 3 and 4 and 18 through 21 is not within the purview of the plan to change. Therefore, no change in the plan has been made.

COMMENT: One commentor raised the question regarding what the state is doing in the area of adaptive physical education.

RESPONSE: As identified in Section X of the plan, inservice training is being provided in the area of adaptive physical education. Also, as identified in Section IV, EHA, Part B funds may be used to fund adaptive P.E. activities. No change in the plan has been made based on this comment.

COMMENT: The State Advisory Panel for Exceptional Children expressed concern that the Preschool Incentive Grant Funds should be spent (and should have been spent) on direct services to unserved and severely handicapped children.

RESPONSE: The initial use of Preschool Incentive Grant funds focused on training local school district personnel in skills necessary for identifying children in need of special education and related services. The proposed grant for next year discussed in Section V of this plan focuses on the delivery of direct services with priority being given to severely handicapped children. Therefore, no change has been made in the plan.

COMMENT: The State Advisory Panel for Exceptional Children commented that the plan is better organized and easier to follow than in the past. It was noted that the plan still is not a document readily understandable by the public. It was acknowledged, however, that the inclusion of legal documentation and terminology required for federal approval is a major reason for this problem.

RESPONSE: No change in the plan has been made based on this comment.

COMMENT: The State Advisory Panel for Exceptional Children recommended that confidentiality requirements include provision for the release of records in the case of a subpoena, a provision found in the Family Educational Rights and Privacy Act.

RESPONSE: No change has been made in the plan based on this comment. However, consideration will be given to this comment in finalizing Standards for Programs for Exceptional Children. It should be noted that Appendix IV contains information which was supplied to local school districts and other agencies related to policies and procedures for insuring the confidentiality of records and that the issue of the subpoena of records is covered in this material.

COMMENT: It was recommended by the State Advisory Panel for Exceptional Children that the Bureau of Education for Exceptional Children revise sample forms previously disseminated to local school districts and other agencies to insure that these forms meet final federal regulations and revised state regulations and standards.

RESPONSE: The plan has not been revised based on this comment. However, consideration will be given to this comment at such time as Standards have been officially adopted.

COMMENT: The State Advisory Panel for Exceptional Children requested that in finalizing Standards for Programs for Exceptional Children that consideration be given to the following. Clarification of the definition of "qualified examiner" to insure that it parallels the federal definition of "qualified" and clarification regarding the membership of the admissions and release committee to insure that a representative of the public agency other than the child's teacher who is qualified to provide or supervise the provision of special education is present in every case as it is felt that in some instances subsequent to initial placement, this may pose a problem depending on if the principal designates someone to represent him/her and on whom this designee is.

RESPONSE: This comment will be considered in the finalizing of Standards. However, since it was not directed at the plan itself, no change in the plan has been made.

COMMENT: The State Advisory Panel for Exceptional Children suggested that further study be given to the need for clarification regarding the meeting of confidentiality requirements when information is shared between/among agencies, particularly between education and non-education agencies.

RESPONSE: This issue is being studied by the joint Kentucky Department of Education--Deparment for Human Resources Task Force discussed in Section III of this plan. No change is the plan is indicated.

COMMENT: One commentor asked that local school districts be allowed to have input into the use of the state's share of EHA, Part B funds (discretionary grant).

RESPONSE: Determination of priorities for the use of discretionary funds as described in Section IV are determined through use of various input. This includes input provided at public hearings, findings of monitoring and evaluation activities, analysis of data regarding the numbers and types of services being provided, input of advisory groups such as the State Advisory Panel for Exceptional Children and the Committee for the Comprehensive System of Personnel Development, and analysis of needs identified through complaint procedures and findings of impartial due process hearings. No change has been made in this procedure.

COMMENT: One commentor pointed out that some local school districts contract with other agencies to do testing-assessment. Concern was expressed that testing procedures used by some of these contractural agencies may not always be non-discriminatory and that testing is not always adequate in terms of the number of assessment procedures and the assessment results.

RESPONSE: The public agency responsible for the education of the child is to insure that evaluation procedures used meet federal and state requirements as identified in Section IX of this document. The agencies (in the case of this comment, local school district) are responsible for insuring that these requirements are met even if evaluations are done through contract with other agencies. Clarification has been added to Section IX to emphasize this point.

COMMENT: One commentor expressed concern that there is a need for school personnel to have more skills in child identification. The commentor was particularly concerned about the need for increased efforts to identify children in the early grades to insure early intervention.

RESPONSE: As identified in Section V, increased efforts are planned this year in the area of identification, location and evaluation of both in-school and out-of-school children. These increased efforts will include inservice training, the provision of technical assistance, materials development and requirements for a more thorough description of local school district Child Identification efforts in the EHA, Part B application. Therefore, no change has been made.

COMMENT: One commentor expressed concern that the terminology used in tests administered to exceptional children needed to be worded in language which is commonly used in the particular locale in which the child resides so that the child can better understand the test.

RESPONSE: As described in Section IX of this plan, testing procedures used are to be non-biased relative to color, race, socio-economic status or impaired sensory, manual or speaking skills. However, some standardized testing procedures cannot be altered as this would invalidate the test. Further, both state and federal regulations require that testing procedures used be administered in conformance with instructions provided by the producer. Protections provided in state and federal regulations include provisions to insure that evaluation information which is used to make decisions about the child, when taken as a whole, presents an accurate picture of the child's present level of performance. These include requirements for multidisciplinary assessment conducted in all areas of suspected disability, the make-up of the Admissions and Release Committee including the child where appropriate and the parent as well as the child's teacher, and requirements for non-discrimination. Therefore, no change has been made.

COMMENT: One commentor expressed concern regarding the inclusion of exceptional children in athletic events and extracurricular activities.

RESPONSE: As described in Section VIII of this document, exceptional children must have the opportunity to participate with non-handicapped children in non-handicapped and extracurricular activities to the maximun extent appropriate. Therefore, no change has been made.

COMMENT: Several commentors expressed concern regarding the provision of related services. Concern included that there is a need for clarification regarding the relationship of related services to the total education of the child. Concern was also expressed that, in some areas, children are placed by local school districts in special public or private classrooms in order for them to have access to related services rather than the provision being made for related services to be provided within the home school.

RESPONSE: Additional information has been added to Section II regarding the provision of related services. This information includes a definition of related services and a clarification of the relationship of related services to the child's total education program. Section III cites requirements that the provision of special education and related services shall be made in light of meeting the needs of the child in the least restrictive environment. Therefore, no change has been made in these requirements.

COMMENT: Two commentors expressed concern that findings of impartial due process hearings be summarized and disseminated to hearing officers and local school district personnel in order to provide information regarding precedence being established in impartial due process hearings.

RESPONSE: Hearing officers' decisions are to be made on an individual basis and the dissemination of such information might affect a person's ability to be impartial. The dissemination of this information might also threaten the confidentiality of personnally identifiable information. Therefore, no change has been made.

COMMENT: Concern was expressed regarding the appeals procedure as provided in 707 KAR 1:080. The area of concern was that the procedure for appealing an impartial due process hearing decision should not provide for appeal to the Department of Education as it was felt that the Department of Education staff would not be able to be impartial.

RESPONSE: The provision for appeal to the State Department of Education is a provision of P.L. 94-142. This provision is covered in federal regulation 121a.510. State procedures are consistent with this federal requirement. Therefore, no change has been made.

COMMENT: Concern was expressed by several commentors in regard to the need for increased services for children with emotional problems, autistic children and children who are both mentally retarded and who have emotional problems.

RESPONSE: A portion of the State's Share-Discretionary Grants of EHA, Part B funds has been designated for this purpose. Section IV of the plan has been revised to identify this priority.

COMMENT: Several commentors were concerned with who is responsible for providing related services and whether funds are sufficiently available for providing these related services. More specifically, commentors were concerned about the need for coordination between the State Department of Education and other state agencies through which related services are provided and for the need for these state agencies to develop guidelines and disseminate these guidelines to their local counterparts regarding coordination of related services both physically and programmatically.

RESPONSE: Responsibility for the provision of related services rests with the agencies responsible for providing the child with a free appropriate public education as identified in Section II. As described in Sections II, III and XVI, the Department of Education is working cooperatively with other state agencies and Bureaus within the Department of Education regarding the coordination of services including related services. Information has been added to Sections II, III and XVI to provide more information on interagency coordination and recent memorandums of agreement. Copies of these recent memorandums of agreement now appear in the appendixes to this Annual Program Plan. Additional information has been added in Section III regarding Department of Education--Department for Human Resources Task Force regarding efforts of this group regarding the coordination of funding mechanisms available through various agencies available to exceptional children.

COMMENT: Several commentors requested a more thorough description of the roles and responsibilities of Bureau of Education for Exceptional Children Field Service Consultants.

RESPONSE: Additional information has been added to Section X, Subsection I. Information also appears at the end of Section XV.

COMMENT: Several commentors expressed concern that local school district personnel needed training in impartial due process hearing procedures. Concern was expressed that with increased requests for impartial due process hearings, this training is very much needed. One commentor requested that local school district personnel have an opportunity to receive training similar to training that is provided to impartial due process officers.

RESPONSE: Section X has been revised to reflect this concern.

COMMENT: Commentors expressed concern that written documentation should be maintained regarding implementation of the IEP. This written documentation should be maintained both in terms of special education and related services. Requirements should include documenting not only services provided and progress made but also record specific amount of time (for example, on day by day basis of how much time is spent providing the services to the child).

RESPONSE: As documented in Section VI, Item 4, 707 KAR 1:051 includes requirements for maintaining written documentation regarding implementation of the IEP. Information on training efforts in regard to this requirement has been added to Section X. In addition, the implementation of the child tracking system described in Section V, Subsections D and F will assist state and local agencies in monitoring IEP implementation.

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ATTACHMENT G

COMMONWEALTH OF KENTUCKY
EXECUTIVE DEPARTMENT FOR
FINANCE AND ADMINISTRATION
FRANKFORT 40601

OFFICE FOR POLICY
AND MANAGEMENT

STATE CLEARINGHOUSE

June 27, 1979

Billie R. Downing
Department of Education
Bureau of Ed. for Exceptional Children
Capital Plaza Tower
Frankfort, Kentucky 40601

SUBJECT: Annual Program Plan Amendment for Part B For EHA

79-2091
STATE APPLICATION IDENTIFIER

Dear Ms. Downing:

The State Clearinghouse has processed the Summary Notification for the proposed project. Based on the information contained in the Summary Notification and the responses of interested parties, the proposed project is, as of this date, not in conflict with the State's plans, goals or objectives.

You should now continue with the application process prescribed by the appropriate funding agency.

This letter signifies only that the project has been processed through the State Clearinghouse. It is neither a commitment of funds from this agency or any othe State or Federal agency.

If you have any questions regarding this letter, please contact Bob Leonard or Ed Evanoff of the State Clearinghouse at (502) 564-7155.

This letter is to be attached to your final application.

Sincerely,

Bob Leonard

Bob Leonard, Manager
State Clearinghouse

COMMENT: Commentors expressed concern that written documentation should be maintained regarding implementation of the IEP. This written documentation should be maintained both in terms of special education and related services. Requirements should include documenting not only services provided and progress made but also record specific amount of time (for example, on day by day basis of how much time is spent providing the services to the child).

RESPONSE: As documented in Section VI, Item 4, 707 KAR 1:051 includes requirements for maintaining written documentation regarding implementation of the IEP. Information on training efforts in regard to this requirement has been added to Section X. In addition, the implementation of the child tracking system described in Section V, Subsections D and F will assist state and local agencies in monitoring IEP implementation.

44

OFFICE FOR POLICY
AND MANAGEMENT

COMMONWEALTH OF KENTUCKY
EXECUTIVE DEPARTMENT FOR
FINANCE AND ADMINISTRATION
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This letter is to be attached to your final application.

Sincerely,

Bob Leonard

Bob Leonard, Manager
State Clearinghouse

ATTACHMENT H

Kentucky news COMMONWEALTH OF KENTUCKY
Department of Public Information

CONTACT: Mary Gehant (502) 564-6814
Education and the Arts

STATEWIDE

FRANKFORT, Ky. (April 10, 1979) -- The U.S. Commissioner of Education has given full approval to Kentucky's Fiscal Year 1979 Annual Program Plan for the education of exceptional children.

Under federal law, this plan must receive such approval for Kentucky to receive federal funds for education programs for exceptional children. Exceptional children differ from normal children to the degree that they cannot gain the maximum benefit from regular school programs. The state has received $8.8 million during the current fiscal year (school year 1978-79) for programs for exceptional children.

The federal law also specifies that a free, appropriate public education will be provided for all handicapped school age children in the state. Priority for expending the funds goes to programs that help children who are not receiving educational services.

Kentucky's program plan serves as the state's yearly plan for special education. Under the plan, Kentucky schools are required to:

-- Identify, locate, evaluate and place in the appropriate educational setting all handicapped school-age children;

-- Guarantee that decisions regarding educational programs will be made under procedures that protect the rights of the handicapped child and his or her parents, and

-- Protect the confidentiality of children and their parents.

Anyone interested in obtaining a copy of the plan or more information about it may contact the Bureau of Education for Exceptional Children, Kentucky Department of Education, Capital Plaza Tower, Frankfort, Kentucky, 40601.

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ATTACHMENT I

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF EDUCATION
FRANKFORT, KY. 40601

JAMES B. GRAHAM
SUPERINTENDENT OF PUBLIC INSTRUCTION

March 28, 1979

Dear Superintendent:

I am pleased to inform you that the Kentucky Department of Education has received written notification of full funding under the Fiscal Year 1979 Annual Program Plan Amendment for Part B of the Education of the Handicapped Act as amended by P.L. 94-142. The Approved Annual Program Plan is included with this letter. As you are aware, this is Kentucky's yearly plan for special education and related services and serves as the basis on which local school district and other agency programs for exceptional children are operated, monitored, and evaluated. This plan also describes Kentucky's compliance with P.L. 94-142. The receipt of federal funds under P.L. 94-142 is contingent upon the approval of each year's plan by the Office of Education, Bureau of Education for the Handicapped.

I would like to commend you for your efforts in serving exceptional children, particularly in view of delays that have been experienced in receiving approval of Kentucky's Annual Program Plan under Part B. Delays in Annual Program Plan approval are not unique to Kentucky. This is evidenced by the fact that as of the date on which we were notified regarding full funding, only 17 states had received approval of their FY 1979 Annual Program Plans.

In order for the plan to be approved by the Bureau of Education for the Handicapped, it was necessary that Kentucky delete a provision in the Due Process Policy and Procedure Manual. This change is described on the attachment which accompanies this letter.

The Department of Education is committed to making every effort to obtain Annual Program Plan approval at the earliest possible date so that local school districts may have access to funds under EHA-Part B as soon as possible. Consistent with this commitment, Department of Education staff are now finalizing the Annual Program Plan for next year (Fiscal Year 1980). Very soon you will be receiving a draft of the FY 1980 Plan for review and comment. Information will be sent to you at that time in regard to public hearings and the submission of comments on the FY 1980 plan.

Page 2
Superintendents

If you have any questions in regard to the enclosed FY 1979 Annual Program Plan, please contact the Bureau of Education for Exceptional Children, Division of Supporting Services at (502) 564-3790.

Sincerely,

James B. Graham

James B. Graham
Superintendent of Public Instruction

Enclosure

COMMONWEALTH OF KENTUCKY
Department of Education
Bureau of Education for Exceptional Children
FRANKFORT 40601

Dear Colleague:

I am pleased to inform you that the Kentucky Department of Education has received written notification of full funding under the Fiscal Year 1979 Annual Program Plan Amendment for Part B of the Education of the Handicapped Act as amended by P.L. 94-142. The approved Annual Program Plan is included with this letter. As you are aware, this is Kentucky's yearly plan for special education and related services and serves as the basis on which local school district and other agency programs for exceptional children are operated, monitored, and evaluated. This plan also describes Kentucky's compliance with P.L. 94-142. The receipt of federal funds under P.L. 94-142 is contingent upon the approval of each year's plan by the Office of Education, Bureau of Education for the Handicapped. You may be interested to learn that when Kentucky received notification of Annual Program Plan approval, only seventeen other states had received such approval for Fiscal Year 1979.

In order for the plan to be approved by the Bureau of Education for the Handicapped, it was necessary that Kentucky delete a provision in the Due Process Policy and Procedure Manual. Information on this deletion is attached.

The Department of Education is committed to making every effort to obtain Annual Program Plan approval at the earliest possible date. Consistent with this commitment, Department of Education staff are now finalizing the Annual Program Plan for next year (Fiscal Year 1980). You will be receiving a draft of the FY 1980 Plan for your review and comment. Information will be sent to you at that time in regard to public hearings and the submission of comments on the FY 1980 plan.

If you have any questions in regard to the enclosed FY 1979 Annual Program Plan, please contact the Bureau of Education for Exceptional Children, Division of Supporting Services at (502) 564-3790.

Sincerely,

Billie R. Downing
Assistant Superintendent

Attachment

DELETION FROM KENTUCKY'S
FY 1979 ANNUAL PROGRAM PLAN

The following has been deleted from Kentucky's FY 1979 Annual Program Plan:

> "Parent Failure to Respond to Request for Consent to Evaluate:
>
> If the parent(s) fails to respond to the public agency's written request for consent for evaluation within 14 calendar days of receipt of the notice, then the evaluation may proceed, pursuant to the following.
>
> The public agency shall:
>
> 1. Provide the parent(s) with notice regarding their full due process rights in this proceeding.
> 2. Demonstrate with written documentation that it has repeatedly attempted to contact the parent(s) through efforts reasonably likely to succeed (i.e. regular mail, telephone, home visits, certified mail).
> 3. Establish that there is reasonable likehood that the child may have special needs. This shall be based upon the written referral received regarding the child."
>
> "Parent Failure to Respond to Request for Consent for Placement
>
> If the parent(s) fail to respond to the public agency's written request for consent for placement in the recommended program within 14 calendar days of receipt of the notice, the public agency may proceed with the placement, pursuant to the following:
>
> The public agency shall:
>
> 1. Provide the parent(s) with notice regarding their full due process rights in this proceeding.
> 2. Demonstrate with documentation that it has repeatedly attempted to contact the parent(s) through efforts which are reasonably likely to succeed (i.e. regular mail, telephone calls, home visits, certified mail).
> 3. Establish that there is reasonable likelihood that the child may have special needs. This shall be based upon the written documentation including evaluation information and the Individual Education Programs."

Local school districts and other appropriate public agencies are to discontinue this practice immediately. The current Due Process Policy and Procedure Manual is being revised to this effect. A summary of requirements for parental consent are as follows:

> Local school districts and other public agencies are required to obtain parental consent to evaluate or place a child as provided in Kentucky Administrative Regulations and the Due Process Policy and Procedure Manual. In the event that parents fail to respond to requests to evaluate or place, the agency may then request an impartial due process hearing as provided for in the Due Process Policy and Procedure Manual.

DRAFT NEWS RELEASE

The Bureau of Education for Exceptional Children within the Kentucky Department of Education learned this week that its Annual Program Plan for the fiscal year 1980, under Public Law 94-142, has been approved.

The plan, approved by the Bureau of Education for the Handicapped of the U. S. Office of Education, represents Kentucky's yearly plan for special education. It cites or establishes policies and procedures through which Kentucky is complying with the Education of All Handicapped Children Act (P.L. 94-142). Among these provisions are the requirements that a free appropriate public education must be made available to all handicapped children ages five through seventeen and that efforts of the Kentucky Department of Education, local school districts, and other appropriate agencies will be continued in identifying, locating and evaluating all handicapped children ages birth through twenty-one.

Approval of this plan results in Kentucky receiving federal funds for educational programs for exceptional children. The majority of these funds will flow through to local school districts to assist them in providing educational prognams to all categories of exceptional children. A portion of these funds will be retained at the state level for administrative activities carried out by the Bureau of Education for Exceptional Children and for specially funded projects designed to meet statewide or regional needs related to educational programs for exceptional children.

According to federal regulations, the funds must first be used for handicapped children ages 5 through 17 not presently receiving any services. Then the funds can be used to add to or improve services for handicapped children who are most severely handicapped and who are receiving an inadequate educational program. Lastly, funds can be used to expand services for handicapped children in keeping with the Full Educational Opportunity Goal of providing services to all children ages birth through 21.

Copies of the plan are available through the Bureau of Education for Exceptional Children. To obtain a copy, contact: Bureau of Education for Exceptional Children, Department of Education, Capital Plaza Tower, 8th Floor, Frankfort, Kentucky 40601.

II. RIGHT TO EDUCATION POLICY STATEMENT (612(1))

Section 612(1) of the Act states that in order to qualify for Part B assistance, the state must have "in effect" a policy that assures all handicapped children the right to a free appropriate public education.

Subsection A. Section Incorporated by Reference from FY 1979 Plan

The following is incorporated from the Right to Education Policy Statement cited in last year's (Fiscal Year 1979) Annual Program Plan. For the purpose of assisting the public in its review of this year's plan (Fiscal Year 1980), this incorporation is quoted below. Appendix references which appear within this quoted material refer to appendixes which accompanied last year's plan rather than appendixes which accompany this year's plan.

"A. The Kentucky State Board for Elementary and Secondary Education promulgated regulations in 707 Kentucky Administrative Regulations Chapter 1 which govern educational programs for exceptional children and youth (Appendix III). These regulations establish standards by which the right to education policy shall be implemented. These standards apply to all agencies providing educational programs to exceptional children in the Commonwealth including local school districts public agency programs other than local school districts, and private organizations. "Educational programs" as used here refers to the processes of identification, location, evaluation and educational placement as these processes relate to the provision of a free appropriate public education to exceptional children.

All children and youth who are handicapped and who are eligible for special education services shall have access to a free appropriate public education, as that term is defined by P.L. 94-142, the Consent Agreement and Kentucky Administrative Regulations regarding eligibility for placement. This education shall be suited to each child's individual needs including the provision of special education and related services. This education shall be provided regardless of the severity of the child's mental, physical or emotional disability or other impairment or handicap.

This policy is supported by the mandate set forth in the Kentucky Consent Agreement of 1974 (KARC, et. al., vs. Kentucky State Board of Education, et. al., Civil Action No. 435) (Appendix I). This established the right of compulsory school age exceptional children to a free appropriate public school education as follows:

> 'The Commonwealth of Kentucky has established a comprehensive statutory system of public education for the benefit of children, including those with physical, mental, emotional or learning handicaps, and each child eligible by statute or by regulation of the Kentucky State Board of Education for public education has the right to a similar opportunity for inclusion in that system.'
>
> 'The Commonwealth of Kentucky having by said statutory system established such right, the exclusion from that education system of children with physical, mental, emotional, or learning handicaps where the sole basis for such exclusion is the fact that there is no educational program in the local school district is a denial of rights quaranteed by the constitution and law of the Commonwealth of Kentucky and the Constitution of the United States of America.'

707 KAR 1:070 (Appendix III) further insures a free appropriate public education to children in all agencies. This regulation addresses educational programs provided by public agencies other than local school districts and provided by private organizations with which local school districts contract. As identified earlier in this section, 'education program' refers to the processes of identification, location, evaluation and educational placement. This regulation requires that educational programs in these agencies and organizations are established in a manner to insure that all exceptional children in these programs are afforded all of the rights and protections that are afforded to children served in local school districts. Among these rights is the right to a free appropriate public education.

The authority of this plan provides an additional means of establishing the right of all exceptional children to a free appropriate public education. As provided in 707 KAR 1:003 (Appendix III), upon approval of the Annual Program Plan, this plan is incorporated by reference into this regulation. Therefore, this plan including all policies and procedures cited therein have the force of regulation.

Exceptional children, statutorily defined in KRS 157.200 (Appendix II) include children who are classified as mentally handicapped, learning disabled, emotionally disturbed, having communication disorders, physically handicapped, visually handicapped, hearing handicapped, and multiple handicapped. This covers all the handicapping conditions as defined in P.L. 94-142.

In November, 1975, the State Board of Education adopted revised Kentucky Administrative Regulations which provide standards for the establishment of appropriate special education programs within each school district. These regulations (Appendix III) further delineate the Kentucky Revised Statutes on Programs for Exceptional Children (Appendix II).

The State's allotment of classroom units for exceptional children under the Minimum Foundation Program indicates Kentucky's commitment to providing educational programs for exceptional children. Local school districts must implement and operate special education programs adhering to criteria established in the Kentucky Administrative Regulations and in accordance with a plan which will provide the appropriate programs as determined by the needs of the children within their district. KRS 157.224 states that application for minimum foundation program funds from the state may be considered insufficient if a local school district fails to implement and operate special education programs (Appendix II, page 12).

The Kentucky Administrative Regulations (KAR) define the specific eligibility criteria, evaluation information, certification of personnel, housing, and length of school day required regarding each area of exceptionality. In addition, 707 KAR 1:051 establishes the admissions and release committee process, the identification of exceptional children and the process and procedural safeguards (Appendix III). The Due Process Policy and Procedure Manual (Appendix VII) through 707 KAR 1:060 and the establishment of the Exceptional Children Appeals Board, 707 KAR 1:080 (Appendix III) further delineate procedural safeguards provided exceptional children, their parents, and educational agencies.

In July 1977, the Bureau of Education for Exceptional Children published a new edition of the Procedures for Identification, Evaluation and Placement of Exceptional Children. This was disseminated in August, 1977, to each local school district superintendent, non-public agencies and other public agencies having programs for exceptional children in Kentucky. (The listing of schools and agencies receiving these guidelines is found in (Appendix XV.) One intention of the publication of this document was to assure the notification of the federal and state requirements to all agencies who serve exceptional children in Kentucky. It was also intended to assist them as they established and implemented procedures for the identification, evaluation and placement process.

This manual contains step-by-step procedures and suggested forms for the implementation of appropriate procedures for "Child Find" activities, Admissions and Release Committee functions and responsibilities, development of individual education programs (IEP's), standards for Due Process and Procedural Safeguards, confidentiality standards for Due Process and Procedural Safeguards, Confidentiality requirements, other specific regulations of P.L. 94-142, and all the KRS's and KAR's for exceptional children. (Sections of the procedures manual are found in Appendixes VII, VIII, and IX.)

Prior to the approval of local school district applications, the district must provide documentation that mandates of the law, in accordance with regulations, are being met through the implementation of correct procedures for child identification, availability of information to parents, due process and procedural safeguards, parental involvement in the development of individual education programs and placement. Assurances must be given that priority and excess cost constraints will be met.

The on-site visitation and evaluation procedures described in Sections XV and XVI of this document provide additional assurance that the federal requirements are being implemented for exceptional children served directly or by contract within the local school district.

In order to receive accreditation from the State Board of Elementary and Secondary Education, non-public schools in Kentucky are required to apply for approval and meet specific standards for physical facilities, certification of staff, length of school day and term, numbers and ages of children attending, and instructional program. The Bureau of Instruction, Department of Education, has the responsibility for the accreditation of all public and non-public schools within the Commonwealth. A staff member from the Bureau of Education for Exceptional Children is assigned as a member of each accreditation team when on-site visitation is being made to a school having a program for exceptional children. In conjunction with the accreditation process, the Bureau of Education for Exceptional Children staff have the direct responsibility for verifying that state and federal requirements for exceptional children are being met.

In addition, private organizations and public agencies other than local school districts seeking approval for educational programs for exceptional children shall submit a request to the Department of Education according to the recently established 707 KAR 1:070 (Appendix III). An approval process has been finalized in order to insure that such programs meet state standards covering programs for exceptional children (Appendix XVI).

The provision for serving first and second priority children was established in the Annual Program Plan for FY 1977 and is reinforced in the "Consent Agreement" (Appendix I(d)). This requires that all local school districts identify exceptional children who are eligible for attendance in the public education system and who are not attending a program of the local school district or other state or private agency. In addition, KRS 157.260 (Appendix II) requires the director of pupil personnel of each school district to determine annually all children within the district who are handicapped and report such to the Department of Education. Thus, a census of handicapped children is maintained in each local school district and at the state level. (More explicit policies regarding the priority of children receiving educational and related services under EHA-B funds are found in Section IV of this plan.)

The procedures the Kentucky Department of Education will or has undertaken in order to implement the Right to Education Policy are as follows:

Kentucky School for the Deaf (KSD) and Kentucky School for the Blind (KSB) are the only residential facilities under the Department of Education having programs for exceptional children. The low incidence of the disabilities of the children served and the difficulty of providing appropriate instructional facilities, staff and equipment necessitates the maintenance of both schools for children from across the Commonwealth. The educational programs provided in these facilities meet federal requirements and state standards.

In addition, mechanisms have been established through which the Department of Education shall insure that children who are residents of Department for Human Resources facilities are provided a free appropriate public education. These are described in Sections XV and XVI of this document".

Subsection B. Fiscal Year 1980 Requirements:

Kentucky's Fiscal Year 1978 Annual Program Plan established the right of all exceptional children to a free appropriate public education. Kentucky's Fiscal Year 1979 Annual Program Plan insured that availability of a free appropriate public education to all exceptional children ages six (6) through seventeen (17) by September 1, 1978. However, in keeping with Kentucky's Full Educational Opportunities Goal cited in Section III of this plan, recent amendments to Kentucky Revised Statutes necessitate reestablishing the right to education policy.

As cited in Appendix I, amendments to Kentucky Revised Statute 158.030 relating to entrance age to public common schools changed entrance age to public common schools from six (6) years of age on or before December 31 to five (5) years of age by September 1. Compulsory school age was changed from the ages between seven (7) and sixteen (16) to the ages between six (6) and sixteen (16) through an amendment to KRS 159.010 (Appendix I). These amendments become effective July 1, 1979.

Therefore, beginning in Fiscal Year 1980 (as of July 1, 1979), the following policies are reestablished in regard to the right of all exceptional children to a free appropriate public education consistent with the requirements of Public Law 94-142. These policies apply to all public agencies involved in the education of exceptional children.

1. The right of all exceptional children to a free appropriate public education is hereby reaffirmed.

2. Free appropriate public education is defined to mean special education and related services which

    a. are provided at public expense, under public supervision and direction, and without charge,

    b. meet the requirements of the State Department of Education as established in Kentucky statutes, regulations, and standards,

    c. include preschool, elementary and secondary education, and

    d. are provided in conformity with an individualized education program which meets the requirements of 707 Kentucky Administrative Regulation Chapter 1.

3. A free appropriate public education shall be made available to all exceptional children ages five (5) through seventeen (17).

4. A free appropriate public education shall be made available to exceptional children ages three (3), four (4), eighteen (18), nineteen (19), twenty (20), and twenty-one (21) under the following conditions:

a. if the public agency provides education to non-handicapped children in any of these age groups, it must make a free appropriate public education available to at least a proportionate number of exceptional children of the same age,

b. if the public agency provides education to 50 percent or more of its exceptional children in any category of exceptionality in any of these age groups, it must make a free appropriate public education available to all of its exceptional children of the same age who have that exceptionality, and

c. if the public agency provides education to an exceptional child in any of these age groups, it must make a free appropriate public education available to that child and provide that child and his or her parents all of the rights under P. L. 94-142 and state laws, regulations and standards for programs for exceptional children.

Special education is defined to mean specially designed instruction, at no cost to the parent, to meet the unique needs of an exceptional child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. Related services include developmental, corrective and support services needed by the child in order to benefit from special education. These services include the following services as defined in federal regulations pursuant to P. L. 94-142 (121a.13): speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, medical services for diagnostic or evaluation purposes, school health services, social work services in schools, and parent counseling and training. The determination of the need for such services must be made through the Admissions and Release Committee process identified in Section VI based on the individual needs of the child and the need for such services in order for the child to benefit from special education.

State law authorizes the expenditure of state funds to provide special education services to exceptional children ages five (5) to twenty-one (21). Provision is made for full state funding for all children ages five (5) through seventeen (17). The use of state funds to serve children eighteen (18) to twenty-one (21) is permissive. Providing special education and related services for exceptional children ages birth through four (4) and for children age twenty-one (21) is permissive through the use of local, federal or other public agency funds. These funding sources (local, federal, or other public agency funds) are available for programs for children ages 5 through 20 as well.

The following Kentucky Revised Statutes relate to the provision of services to children birth through twenty-one (21). KRS 158.100 provides for an approved twelve (12) grade school service for all children under twenty-one (21). It also places the responsibility upon the district of residence to either maintain an approved elementary and secondary school service or contract for the provision of those services. KRS 157.312 authorizes the establishment of a kindergarten in the common schools. 707 KAR 5:050 (Appendix I) provides for the operation of public kindergarten units receiving Minimum Foundation funds. A local board of education has the authority under KRS 158.090 with State Board approval to establish and maintain a kindergarten program for children from four (4) to six (6) years of age. A local school district providing a preschool program for children ages 3 and 4 must include in the selection process all children within the age range regardless of handicapping condition. Kentucky Administrative Regulations are being revised in regard to reguirements for common school entrance for children whose fifth birthday falls between September 1 and December 31. A copy of the proposed regulation regarding this requirement appears in Appendix I.

In expanding Kentucky's mandated service age from six (6) through seventeen (17) to five (5) through seventeen (17), various resources are available. Pupils of this age group will be placed in programs which provide appropriate services based on the Individual Education Program (IEP). State funds are available for such services through regular and/or special education classrooms. Local school districts may also contract with other approved public and private agencies for services. Such agencies include but are not limited to Head Start programs, Comprehensive Care Centers, other local school districts, approved private organizations, and preschool satellite programs of Kentucky School for the Deaf.

Public awareness regarding the expanded service age has been and will continue to be promoted through the following means: Notices in newspapers and other media regarding Annual Program Plan approval and local school district EHA, Part B application availability for public comment; state and local child find public awareness efforts; Annual Program Plan dissemination; workshops with local school districts, other public and private agencies, parents, etc.

The following practices will be used by the Department of Education to insure that all exceptional children ages five (5) through seventeen (17) have available to them a free appropriate public education. Technical assistance will be provided by Department of Education staff and in conjunction with Kentucky's Preschool Incentive Grant as described in Section V. Monitoring and evaluation procedures as described in Sections XV and XVI will also continue to serve as a means for insuring compliance with this mandate.

As cited in material incorporated by reference at the beginning of the section, 707 KAR 1:070 and the authority of the Annual Program Plan through 707 KAR 1:003 insure that the right to education policy applies to all agencies. This is further reinforced through the following.

KRS 158.135 and memorandums of agreement and a policy statement with the Department for Human Resources identifies the responsibility of the Department for Human Resources for insuring that the rights and protections of P.L. 94-142 and applicable state laws, regulations, standards and policies extend to all exceptional children served by the Department for Human Resources in regard to the provision of a free appropriate public education.

The Bureau of Vocational Education and the Bureau of Rehabilitation Services are under the Kentucky Department of Education. Services of the Bureau for the Blind are administered through the Education and Arts Cabinet. Therefore, policies cited or established in this plan apply to programs for exceptional children administered under those bureaus. Memorandums of agreement between the Bureau of Education for Exceptional Children and these bureaus which appear in Appendix VI specify the relationship of programs operated by these bureaus to programs for exceptional children.

Currently 50 percent of the Head Start programs in Kentucky are operated by local school districts. Therefore, the requirements of P.L. 94-142 and applicable state laws, regulations, standards and policies apply to exceptional children served in the local school district-operated Head Start programs. A memorandum of agreement between the Department of Education and Head Start is in place to insure that these same rights and protections are extended for all children in Head Start programs regardless of the agency providing the educational program.

III. FULL EDUCATIONAL OPPORTUNITIES GOAL AND TIMELINES (612(2)(A))

Section 612(2)(A) requires that each Annual Program Plan set forth detailed policies and procedures to assure that "there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal...."

Subsection A.

The Kentucky State Board for Elementary and Secondary Education reaffirms its goal of providing full educational opportunities to all exceptional children ages birth through twenty-one (21) as services are expanded each year. Last year's plan (Fiscal Year 1979) established the date for achieving this goal for exceptional children, as defined by KRS 157.200, ages six (6) through seventeen (17) as September 1, 1978. Last year's plan also provided a timetable for achieving the goal of providing full educational opportunities to all exceptional children ages birth through twenty-one. This timetable is hereby incorporated by reference. However, for the purpose of public comment, this timetable is included at the end of this section.

Subsection B.

The State Education Agency will meet needs for personnel, services and facilities through the following procedure:

1. Personnel

   The growth in educational programs for exceptional children in Kentucky has been phenomenal over the past few years. In an attempt to meet the increased need for certified personnel, the Bureau of Education for Exceptional Children through the Committee for the Comprehensive System of Personnel Development Standing Committee on College/Universities will disseminate the following documents:

   a. For local school districts,

      1. Kentucky Graduating Special Education Teachers Available for Employment for 1979-80 School Year - graduates are listed by category of certification and university or college from which he/she is graduating.

2. Resource File of Kentucky's College and University Faculty Personnel - personnel are listed by categorical area of expertise for purposes of inservice training, diagnostic assistance, consultative assistance, direct services, and research.

b. For use by placement offices,

1. Position Openings in Special Education Within State of Kentucky for 1979-80 School Year - positions are listed by disability category. This document provides a geographic breakdown listing administrative contact, address, phone number for each school district, state operated center, developmental disability center, private agencies, hospitals, colleges and universities within area.

In addition, Section X of this document describes other activities being pursued to meet personnel needs. Data regarding personnal appears as Tables IA and IB. These tables appear at the end of Section X of this plan.

2. Services

Service expansion is also evidenced by the following:

a. Full state funding of kindergarten programs beginning with school year 1979-80 which has doubled the state's financial commitment for services for five year old children from over $11 million in school year 1978-1979 to over $22 million in school year 1979-1980 with the financial capability of increasing the number of 5 year old children served (both handicapped and non-handicapped) from approximately 34,000 children to approximately 62,000 children.

b. Services are made available through an interrelated system for use of federal, state and local funds to meet priority needs as identified in Section IV.

c. The state's share (Discretionary Grants) of EHA, Part B funds are being utilized to provide direct and support services to first and second priority children who are autistic, severely handicapped in all categories of exceptionality, and children at the secondary level through the establishment of model programs, multi-county consultation and evaluation centers in rural areas, and programs for the provision of training and consultation.

d. The development of a multihandicapped unit at Kentucky School for the Deaf through which direct services, evaluation and consultation will be provided will result in the provision of expanded services available to all areas of the State.

e. As described in Section II of this plan, it is permissive to use state funds to extend services to exceptional children ages eighteen (18) to twenty-one (21). Additional services to children ages birth through twenty-one (21) are being provided and expanded as follows.

f. For children ages 5 to 21, the Kentucky School for the Deaf and the Kentucky School for the Blind operate full educational programs meeting State educational standards. In addition, the Kentucky School for the Deaf operates Satellite Projects for preschool deaf children ages 3-5 in area centers across the state.

g. The 1978 General Assembly revised KRS 158.135 and provided an appropriation for local school districts to provide educational services for handicapped children who are in programs administered under the Department for Human Resources. These "out-of-district" funds are described more fully in Section IV of this plan. Twenty-one (21) of the twenty-two (22) Bureau for Social Services and Bureau for Health Services residential treatment programs for children operate these programs through written agreements between the Department for Human Resources and adjacent local school districts through which services are provided utilizing this funding source in conjunction with other state and federal funds. The one Bureau for Health Services facility which does not have a written agreement with an adjacent local school district provides special education and related services through the utilization of federal funds and state funds through the Department for Human Resources. Additional information on these programs is provided in Sections II, XV, and XVI of this plan.

The joint Kentucky Department of Education-Department for Human Resources Task Force addresses issues related to the full educational opportunities goal and the provision of a free appropriate public education to all exceptional children in Kentucky. This Task Force was established on July 18, 1977 through a joint memorandum of agreement described in Sections II and XVI of this plan. Membership of this task force includes representation from the Department for Human Resources (Bureau for Health Services, Bureau for Social Services, and Bureau for Social Insurance) and the Department of Education (Bureau of Education for Exceptional Children, Bureau of Instruction, Bureau of Vocational Education, and Bureau of Rehabilitation Services).

Accomplishments to date and current activities of this group include:

(1) The establishment of interagency subtask groups dealing with the operation of and problem solving related to:

  (a) Local School District - Comprehensive Care Center Cooperation

  (b) Early Childhood Screening

  (c) Definitions of Exceptional Children and Services Provided by Various Agencies

  (d) Coordination of Funding Mechanism Available Through Various Agencies to Exceptional Children

(e) Surrogate Parents

(f) Implementation of P. L. 94-142 in Department for Human Resources Facilities

These subtask groups meet on an average of once a month and recommend to the Joint Task Force policies and procedures related to these areas which are necessary for insuring the coordination and delivery of services.

(2) Establishment, implementation and evaluation of a mechanism for monitoring and evaluating Department for Human Resources programs. This is fully described in Sections XV and XVI of this plan.

(3) The ongoing provision of training and technical assistance to both Department for Human Resources programs and local school districts related to P. L. 94-142 and interagency cooperation.

(4) Establishment and maintenance of channels of communication among various agencies related to the implementation of P. L. 94-142 and interagency planning and cooperation.

(5) Establishment of an interagency mechanism related to the identification, location and evaluation of exceptional children through the development of guidelines for the coordination of local school district and Department for Human Resources child identification activities.

(6) Investigation related to establishing a means to insure the coordination of services, program planning and information sharing as clients (children and their families) move through the human service delivery system in both educational and treatment settings.

(7) Investigation related to establishing an effective system for meeting the needs of children who require both education and treatment in a 24 hour-a-day setting.

(8) Development of policies in response to issues requiring clarification related to the implementation of P. L. 94-142 in Department for Human Resources facilities.

(9) Investigation of the various state and federal funding sources available through which services can be provided to exceptional children. This investigation includes the identification of payment mechanisms and guidelines for the use of these funds on both the state and local level.

(10) Collaboration in the recruitment and training of surrogate parents.

(11) Investigation related to the development of guidelines for local school district - comprehensive care center coordination.

h. Through memorandums of agreement with the Bureau of Corrections, Head Start, Bureau of Rehabilitation Services, the Bureau of Vocational Education, and the Bureau for the Blind an additional means has been established for working toward the full educational opportunities goal. (Appendix VI)

i. As described in Section IV of this document, state funds are made available to provide services to deaf-blind children who cannot be served within the state. These funds cover the total cost of providing these children an educational program at Alabana Institute for the Deaf and Blind in Talladega, Alabama.

j. Services will be expanded through activities funded through the Preschool Incentive Grant as described in Section V.

k. The addition of an Early Childhood Consultant to the staff of the Bureau of Education for Exceptional Children will result in increased leadership for and technical assistance to preschool programs.

3. Facilities

Needs for facilities are not expected to increase dramatically in most school districts due to decreasing overall enrollments. School districts will be placing priority on the use of unused facilities for exceptional children in order to serve newly identified handicapped populations. As specified in 707 KAR 1:051, the school district must demonstrate availability of a certified teacher, approved housing, approved program plan and appropriate number of children in order to qualify for state funding.

Additionally, a State School Building Authority has recently been established through which state capital outlay funds will flow. Currently, school districts desirous of new facilities request a facility survey. The survey is conducted by the State Department of Education and recommendations are made to the local school board. The school board can use their state capital outlay funds as necessary to address priority needs.

Section VIII of this document addresses the procedures used to insure the availability of least restrictive environment.

Subsection C. Monitoring

The monitoring activities described in Section XVI of this document will provide information to enable the State Department of Education to determine the state's progress toward meeting facilities, personnel and service needs. The following monitoring activities specifically which address these include:

1. The Division of Field Services within the Bureau of Education for Exceptional Children will complete the Full Services Profile and Needs Survey with each school district and State Operated Program by the end of school year 1979-80. This document will provide specific information regarding the degree to which the requirements of P. L. 94-142 have been implemented as well as define specific areas of need for which technical assistance will be provided.

2. As part of the local school board district application for assistance under Part B, it is necessary to provide data on current facilities, personnel and types of transportation provided. Data must also be provided on additional facilities, personnel and transportation which will be required to meet the full services goal (Appendix II). This will provide baseline information which will enable the State Department of Education to more accurately determine the need for expanded services.

3. Comprehensive Site Visits, Categorical Site Visits, and EHA, Part B visits all include components related to facilities, services and personnel. Reporting procedures require the specifications of needs for improvement.

- DETAILED TIMETABLE	DATE Revised August, 1977	NAME OF STATE Kentucky

Show the percent (%) of the State's population of handicapped children expected to be receiving full educational opportunities in each school year. In the appropriate [illegible] *estimate the year you expect all children to be provided full educational opportunities (full service).

HANDICAPPING CONDITIONS	A. AGES 3 THRU 5			B. AGES 6 THRU 17		C. AGES 18 THRU 21					D. AGES 0 THRU 2 ESTIMATE THE YEAR FULL SERVICES ARE EXPECTED TO BE REACHED. SCHOOL YEAR NON-CATEGORIAL
	SCHOOL YEAR 1977-78	SCHOOL YEAR 1978-79	ESTIMATE YEAR* OF FULL SERVICE	SCHOOL YEAR 1977-78	SCHOOL YEAR 1978-79	SCHOOL YEAR 1977-78	SCHOOL YEAR 1978-79	SCHOOL YEAR 1979-80	SCHOOL YEAR 1980-81	ESTIMATE YEAR* OF FULL SERVICE	
a. Mentally Retarded	50	70	1980-81	100	100	50	65	80	90	1981-82	1985-1990
b. Hard of Hearing	40	60	1982-83	75	100	15	35	65	75	1982-83	
c. Deaf **											
d. Speech Impaired	75	90	1980-81	98	100	20	45	70	80	1982-83	
e. Visually Handicapped	80	95	1980-81	75	100	30	55	75	85	1981-82	
f. Seriously Emotionally Disturbed	25	40	1983-84	50	100	25	50	60	75	1983-84	
g. Orthopedically Impaired	40	70	1982-83	50	100	20	45	70	80	1982-83	
h. Health Impaired	30	50	1984-85	75	100	35	60	75	80	1982-83	
i. Specific Learning Disability	20	50	1982-83	75	100	30	55	75	85	1981-82	

*If these requirements are inconsistent with your State law, or practice, estimate the year you expect to reach full services in these areas.

** Deaf and Hard of Hearing are included as one category "Hearing Impaired" under State Regulations.

IV. POLICY ON PRIORITIES (612(3))

Section 612(3) states that in order for a State to qualify for assistance under Part B, the State must demonstrate that it "has established priorities for providing a free appropriate public education to all handicapped children.....first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education and have made adequate progress in meeting the timetables set forth in Section 612(2)(B)."

Subsection A. As required by P.L. 94-142, the Commonwealth of Kentucky hereby establishes the following priorities in regard to the use of funds under Part B of the Education of the Handicapped Act as amended by Public Law 94-142.

1. First, to all exceptional children ages five (5) through seventeen (17) who are not receiving any educational services.
2. Second, to exceptional children within each disability, with the most severe handicaps, who are receiving an inadequate education.
3. Third, to meet the goal of providing full educational opportunity to all exceptional children ages birth through twenty-one (21).

Subsection B. Current Year (FY 1979 Programs, Services, Activities and Resources

Figure 1 describes FY 1979 (school year 1978-79) programs, services and activities which are being carried out in the state to meet the needs of first and second priority children through the commitment of federal, state and local resources. Because Kentucky did not receive written notification of full funding for Fiscal Year 1979 until March, 1979, some projects funded through the State Share Discretionary Funds are being initiated at the time of the writing of this plan. These projects include establishment of the cadre of consultants and projects related to individual education programs as described in Figure 1 under State Share Discretionary Funds. Through the cadre of consultants, consultation and training will be provided to education agencies related to the identification, location, evaluation and placement of first and second priority children. Additional information regarding this project is provided in Section X of this document.

Policies and procedures regarding the use of FY 1979 funds for projects related to individual education programs are quoted here from the FY 1979 Annual Program Plan. Appendix references which appear within these quotes refer to appendixes which accompanied last year's plan (FY 1979) rather than those which accompany this year's plan (FY 1980).

> "Consistent with its responsibility for all educational programs for exceptional children in the Commonwealth, the State Department of Education will, within budget limitations, consider additional assistance with the State Department of Education's share of the formula (discretionary) grant (see Section VXI for additional information). These monies will be available for additional services to first or second priority children who require services which result in excessive costs in order to provide an appropriate education. These funds will be available under the following circumstances.
>
> a. Agencies wishing to apply for the funds shall submit an application to the Director, Division of Supporting Services, Bureau of Education for Exceptional Children.
>
> b. The application shall include the following two components:
>
>   (1) Completion of pages 1 through 16 of the EHA-B application for FY 1979 (Appendix X). In the case that the applicant is a local school district which has an approved EHA-B Project for FY 1979, the local school district will not be required to submit this portion of the application due to the fact that it would already be maintained on file with the Bureau of Education for Exceptional Children. Agencies other than local school districts who complete pages 1 through 16 of the EHA-B Application are to address statements regarding "local school district(s)" in light of the applying agency.
>
>   (2) Project Narrative - The project narrative must contain information describing the following:
>
>   (a) A Project Abstract - as brief as possible to adequately describe project

(b) Project Scope and Purpose

(c) Description of how the project meets first and/or second priority requirements

(d) Description to the extent to which the project addresses efforts by the agency to utilize existing fiscal and program resources to meet the needs identified in the application as an alternative to applying for funds available through this grant. Discretionary funds may not be used to replace programs funded under EHA-B flow-through funds to local school districts.

(e) Description of the extent to which the project addresses meeting the needs of the child(children) in the least restrictive environment and as close to home as possible.

(f) Justification of the need for the program based on the needs of a child(children) as determined on Individual Education Program(s).

(g) Description of project objectives, activities, and evaluation procedures as found on page 18 of the EHA-B Application.

(h) Completion of the chart on page 19 of the EHA-B Application identifying Children and/or Personnel Receiving Direct Benefit from Federal (Part B) funds.

(i) Job Description for Project Staff

(j) Completed copy of the Cooperative Agency Agreement if the project is to involve more than one agency. This document appears on page 22 of the EHA-B Application.

(k) A completed copy of the Cooperative Agency Agreement if the project is to involve more than one agency. This document appears on page 22 of the EHA-B Application.

(1) Evidence that public and non-public education agencies and the general public in the applying agency's jurisdiction have been informed of the project and have had an opportunity to participate in planning activities.

c. Project proposals will be reviewed by a team consisting of Division of Supporting Services staff (Director, Coordinator, Director of Unit of Federal Programs, Director of Unit of Special Projects, and Director of Unit of Staff Development), representatives from the Bureau of Education for Exceptional Children categorical divisions as determined by the categories of exceptionality addressed in the application, and other personnel at the discretion of the review team.

d. The review team will forward to the Assistant Superintendent, Bureau of Education for Exceptional Children, projects to be recommended for approval or disapproval.

To be approved, a proposal must meet state standards and address the assurances specified in the basic application (component 1).

e. The Assistant Superintendent, Bureau of Education for Exceptional Children, will determine approval or disapproval of each proposal and the ultimate award of funding.

f. Projects will be funded for a period of one fiscal year. However, there is the potential for annual renewal. Such renewal will largely be dependent on a justification for continuation and on the quality of the evaluation component.

g. Contingent upon the approval of the FY 1979 Annual Program Plan, the review procedure is to be completed within 45 days of submission of the proposal.

h. Projects funded under this grant will be monitored by staff from the Division of Supporting Services, Bureau of Education for Exceptional Children.

i. Policies described in Section XIII (Recovery of funds for Misclassified Children), Section XIV (Hearing on Local School District Application), and Section XVI (Complaint Procedures) apply to projects funded under this grant."

FIGURE I

FISCAL YEAR 1979 (School Year 1978-79)
PROGRAMS, SERVICES, ACTIVITIES AND RESOURCES FOR SERVING FIRST AND SECOND PRIORITY CHILDREN

State Share - Administration - FY 1979

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
1. State Department of Education Responsibility for All Programs (for more information see Section XVI, Subsection C of this plan)	1.1 Annual Program Plan	1.1.A Development and dissemination of Annual Program Plan	5% of Total Grant Used for administration by State Department of Education as provided for in P.L. 94-142	Resources cut across and apply to all three funding areas: 1. State Share - Administration 2. State Share - Discretionary 3. Local School District Entitlement Local Resources $5,000,000 State Resources A. Minimum Foundation Unit Program (3700 exceptional classroom units) - $55,406,922 B. Transportation Units - an increased transportation formula (5X) is provided for the transportation of those exceptional children who need special transportation in order to get to and from school - $480.00 per child in Average Daily Attendance C. Funding for Kentucky School for the Blind (KSB) and Kentucky School for the Deaf (KSD) - 1. KSB Program - $1,296,700 Capital Construction - $1,585,000 2. KSD Program - $2,677,800 Capital Construction - $611,000 3. Transportation Allocation - $100,000 (for once a month home visitation for students)
		1.1.B Public Hearings on Annual Program Plan		
		1.1.C Staff travel to meetings to acquire information and skills necessary for plan development		
	1.2 Approval, Supervision, Monitoring, and Evaluation of Programs for Exceptional Children	1.2.A Review, approval and evaluation of local school district applications for funds under EHA, Part B		
		1.2.B Monitoring and evaluation site visits to one-third of all local school districts (all programs monitored and evaluated on a 3 year cycle)		
		1.2.C Development and dissemination of Revised Kentucky Administrative Regulations		
		1.2.D Data collection, maintenance, and interpretation		
	1.3 Technical Assistance	1.3.A Conducting workshops for and provision of technical assistance to local school district personnel on EHA, Part B application		
		1.3.B Technical assistance to local school districts and other public and private agencies and groups related to P.L. 94-142 and revised Kentucky Administrative Regulations		

State Share - Administration - FY 1979

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
1. (continued)	1.4 Leadership	1.4.A Administrative and clerical staff positions in Division of Supporting Services, Bureau of Education for Exceptional Children	Continued from previous page (5% of Total Grant)	D. Funding for Deaf-Blind Children - $51,720 (covers tuition and transportation for seven children to attend Alabama Institute for Deaf and Blind in Talladega, Alabama) E. Out-of-District Funds - $1,493,900 (Funds for educational services provided to children in Department for Human Resources Facilities includes regular & special education) F. Bureau of Education for Exceptional Children Budget - $1.385,000 - SEA budget funded through state funds through which administrative, consultative and support services are provided to programs for exceptional children G. Governor's Special Grant - $458,436 - Funds for technical assistance arrangements with the Bureau of Education for Exceptional Children, Division of Field Services Consultants for local school district initial efforts for Child Identification, Location and Evaluation. Federal Resources A. Vocational Education - $964,641 (set aside) - provided to local school districts on a project basis and administered by the Bureau of Vocational Education, Kentucky Department of Education B. Vocational Rehabilitation - $15,000,000 - Provided to local school districts on a project basis and administered by the Bureau of Vocational Rehabilitation, Kentucky Department of Education C. ESEA, I (P.L. 89-313) - $1,204,471 - Provided to state operated programs through the Department of Education and Department for Human Resources and to local school districts for students who have returned to school districts from these programs.
		1.4.B Administration of Annual Program Plan; EHA, Part B funds; Preschool Incentive Grant and EHA, Part D Grant		
		1.4.C Activities of the State Advisory Panel for Exceptional Children		
2. Child Identification, Location and Evaluation (for more information, see Section V of this plan)	2.1 Annual Program Plan	2.1.A Development of Section V of the Annual Program Plan		
	2.2 Approval, Supervision, Monitoring and Evaluation of Programs for Exceptional Children	2.2.A Monitoring and evaluation of requirements for child identification, location, and evaluation activities through document review and on-site visits		
		2.2.B Data Collection, maintenance and interpretation related to child identification, location and evaluation statewide		
	2.3 Technical Assistance	2.3.A Provision of training and technical assistance regarding child identification, location and evaluation activities and requirements		
		2.3.B Materials development and dissemination regarding child identification, location and evaluation activities and requirements		
	2.4 Leadership	2.4.A Administration of Child Identification, Location and Evaluation activities identified in Section V of the Annual Program Plan		

State Share - Administration - FY 1979

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES *(approximate figures)*
2. (continued)	2.4 (continued)	2.4.B Establishment and utilization of linkages with public and private agencies and groups involved in the identification, location and evaluation of exceptional children	Continued from previous page (5% of Total Grant)	C. (continued) Projects funded in this manner are administered and monitored under the Division of Compensatory Education, ESEA, Title I, Bureau of Instruction, Department of Education, with technical assistance for appropriate programmatic evaluation provided by the Bureau of Education for Exceptional Children.
3. Comprehensive System of Personnel Development (for more information see Section X of this plan)	3.1 Annual Program Plan	3.1.A Development and dissemination of Section X of the Annual Program Plan		D. Title VI-C Deaf-Blind Centers - $212,159 - funds to four centers in Kentucky which provide special education to deaf-blind children. These centers are located at Kentucky School for the Blind; Child Evaluation Center, University of Louisville Medical School; Lexington, University of Kentucky; and Oakwood Training Center, Somerset, Kentucky.
	3.2 Approval, Supervision, Monitoring, and Evaluation of Programs for Exceptional Children	3.2.A Monitoring and evaluation of local school districts utilization and implementation of the Comprehensive System of Personnel Development through document review and on-site visits		
		3.2.B Annual data collection and needs assessment related to personnel needs		E. Title IV-C (set aside) - $319,000 - These funds are combined with Part B funded projects and are available to all local school districts.
	3.3 Technical Assistance	3.3.A Provision of training and technical assistance regarding the Comprehensive System of Personnel Development		F. EHA, Part B - $8,853,680 G. Preschool Incentive Grant - $94,630
		3.3.B Materials development and dissemination regarding the Comprehensive System of Personnel Development		H. EHA, Part D - $70,000
		3.3.C Administration of the Cadre of Consultants		
	3.4 Leadership	3.4.A Ongoing implementation and evaluation of the Comprehensive System of Personnel Development		
		3.4.B Provision of training in response to statewide needs through administration of the EHA, Part D grant		

State Share - Administration - FY 1979

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES *(approximate figures)*
3. (continued	3.4 (continued)	3.4.C Coordination of and staff assistance to the Committee for the Comprehensive System for Personnel Development	Continued from previous page (5% of Total Grant)	Continued from previous page
		3.4.D Implementation of procedures for acquiring and disseminating to teachers and administrators of programs for exceptional children significant information derived from from educational research, demonstration and similar projects, and for adopting where appropriate, promising educational practices and materials developed through those projects		

State Share - Discretionary Grant - FY 1979

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
1. Procedural Safeguards	1.1 Support Services	1.1.A Recruitment and training of surrogate parents	1. .25% of Total Grant	Continued from previous page
		1.1.B Recruitment and training of Hearing Officers		
2. Child Identification, Location and Evaluation (for more information, see Section V of this plan)	2.1. Support Services	2.1.A Development of Public Awareness/Parent Training Materials	2. .25% of Total Grant	
		2.1.B Establishment of a Child Identification Network		
3. Comprehensive System of Personnel Development (for more information, see Section X of this plan)	3.1 Support Services	3.1.A Recruitment and training of Cadre of Consultants	3. 1% of Total Grant	
		3.1.B Implementation of Cadre of Consultants		
4. Individual Education Programs	4.1 Direct Services to First and Second Priority Children	4.1.A Services to newly identified first priority children related to IEP development and implementation	4. 8.5% of Total Grant	
		4.1.B. Expansion of services for more effectively responding to the needs of first and second priority Autistic and Severely/Profoundly handicapped children in need of both education and treatment in accordance with educational needs identified on IEPS		
		4.1.C. Expansion of services for more effectively responding to the needs of first and second priority children through the stimulation of model/alternative programs in accordance with the needs of children as identified on their IEPS for children who are autistic and severely/profoundly retarded and children at the secondary level		

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
4. (continued)	4.1 (continued)	4.1.D The establishment of multi-district centers through which evaluation, consultation, and related services will be provided to first and second priority children in rural areas.		
	4.2 Support Services to First and Second Priority Children	4.2.A Development of materials and media to be used in training staff to meet the needs of first and second priority children in accordance with their IEPs.		
		4.2.B Provision of training and consultation to regular and special education personnel necessary for the development and implementation of IEPs for first and second priority children.		

Local School District Entitlement - FY 1979 (Part B funds are used to cover activities including, but not necessarily limited to, the following:)

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
1. Child Indentification	1.1 Public Awareness Activities	1.1.A Media and publicity materials to conduct awareness campaign of local Child Find efforts	(85% of Total Grant flowed through to Local School Districts)	Continued from previous page
		1.1.B Public information pamplet or brochure explaining district special programs and services	Child Identification - 22% of flow through funds	
	1.2 Child Find Efforts	1.2.A Child Find Coordinator to coordinate, develop and distribute needs assessment; assist in preschool screening and planning; direct district efforts to identify out-of-school and inschool children in need of services		
		1.2.B Establish and implement data collection and maintenance		
	1.3 Screening and Evaluation Efforts	1.3.A Acquisition of psychological testing or educational assessment materials		
		1.3.B Expansion of screening activities for all district children in order to identify potential special learning problems		
		1.3.C Excessive costs of diagnosis and evaluation related to Admissions and Release Committee requirements for placement (medical, neurological, audiometer, opthamological, psychiatric, or unusual psychological evaluations)		
	1.4 Consulting Services	1.4.A On-site consultation: screening practices and instruments		
	1.5 Inservices Training	1.5.A Inservice training: handicapping conditions, Child Identification Task Force functions, mainstreaming practices, child identification, location and evaluation methods and req[illegible]ents		

Local School District Entitlement - FY 1979

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
2. Development and implementation of Individualized Education Programs	2.1 Consulting Services	2.1.A Consultation regarding development of Individualized Education Programs	(Continued from previous page) Development and implementation of Individualized Education Programs - 5% of flow through funds	Continued from previous page
		2.1.B Payments to professional personnel for extended time to meet requirements under the law		
		2.1.C Services related to physical/occupational therapy evaluations and prescriptions for severely handicapped children		
	2.2 Inservice	2.2.A Inservice training: Individual Education Programs development and implementation		
		2.2.B Inservice training for drivers of buses and aides		
	2.3 Therapy Specialists	2.3.A Speech, hearing or vision therapy which exceeds district capabilities		
		2.3.B Mobility training for visually impaired children		
		2.3.C Total manual communication instruction for hearing impaired or deaf children, their parents and teachers		
	2.4 Teacher Aides	2.4.A Aides for physical and educational assistance to severely handicapped children		
	2.5 Educational Material and Supplies	2.5.A Acquisition of educational supplies and curriculum-related materials for individual handicapped children's programs		
	2.6 Special Equipment	2.6.A Individually required special equipment (to remain school district property which permits school attendance by severely handicapped children (wheelchair, portable toilets, temporary ramps, etc.)		

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
2. (continued)	2.6 (continued)	2.6.B Acquisition of educational equipment related to the education of severely handicapped individuals (Braille machines, amplification equipment, etc.)	(Continued from previous page)	Continued from previous page
		2.6.C Acquisition of special physical education or motor skills equipment and/or personnel to carry out prescribed physical or occupational therapy activities, or to permit substitute physical or occupational therapy activities, or to permit substitute physical education activities when regular district programs are not appropriate.		
3. Due Process Procedures and Confidentiality of Personally Identifiable Information	3.1 Consultative Services	3.1.A On-site consultation: needs assessment of district due process and confidentiality procedures including forms and record keeping	Due Process Procedures and Confidentiality of Personally Identifiable Information - 9% of flow through funds	
	3.2 Inservice	3.2.A Inservice training: procedural safeguards for student records, parent communications, functions of Admissions and Release Committee		
	3.3 Impartial Due Process Hearing	3.3.A Translation of district parental consent forms into languages other than English or into braille for blind parents, as needed		
		3.3.B Interpreter for hearing impaired parents or translators for non-English speaking parents, as needed		
		3.3.C Pay expenses of an Impartial Hearing Officer or other costs of a due process hearing		

Local School District Entitlement - FY 1979

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
3. (continued)	3.4 Public Awareness	3.4.A Development and dissemination of written material regarding the rights and protections extended to parents and children under the Family Educational Rights and Privacy Act and P.L. 94-142	(Continued from previous page)	Continued from previous page.
4. Protection in Evaluation Procedures (Nondiscriminatory Testing)	4.1 Evaluation Services	4.1.A Hiring of personnel	Protection in Evaluation Procedures - 15% of flow through funds	
		4.1.B Purchasing of evaluation instruments		
		4.1.C Contracting for evaluation		
		4.1.D Translation of tests to native language of child, provision of test administrator who can administer such test		
	4.2 Consultative Services	4.2.A On-site consultation: administration of bilingual psychological testing and/or educational assessment		
		4.2.B Conducting the assessment		
		4.2.C Requirements of the assessment		
		4.2.D Special evaulation and regular education instruction		
		4.2.E Informal/formal assessment		
		4.2.F Procedures for evaluation for state requirements		
	4.3 Inservice	4.3.A Inservice training: comprehensive evaluation procedures, selection of appropriate evaluation instruments		
		4.3.B Interpretation of information from assessment		

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
5. Implementation of Full Services Within the School District	5.1 Consultative Services	5.1.A On-site consultation: assistance with district needs assessment and planning to establish full continuum of services and current gaps in district special programs and services	(Continued from previous page) Implementation of Full Services - 42% of flow through funds	Continued from previous page
		5.1.B On-site consultation: developing research projects related to special education which are of relevance to districts		
		5.1.C District special education research project (proposal outline must accompany local school district application)		
		5.1.D Third-party evaluation of specific aspects of special programs or services		
	5.2 Inservice	5.2.A Extended inservice opportunities for district personnel, in conjunction with State Department of Education comprehensive personnel development, must relate to increased professional competence in special education related to first and second priority children		
	5.3 Programming and/or Curriculum Development	5.3.A Initiation of district special programs for young severely handicapped children		
		5.3.B Supervision of district arranged work placements for secondary handicapped students		
		5.3.C Initiation of new programs or services within the approved special education (resource, self-contained, etc.); excess costs in planning, development, and securing facilities and equipment		

Local School District Entitlement - FY 1979

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
5. (continued)	5.4 Transportation Services	5.4.A Adapted driver training procedures and facilities to accomodate secondary handicapped students	(Continued from previous page)	Continued from previous page
		5.4.B Bus aides to accompany driver on district vehicles carrying severely handicapped individuals		
		5.4.C Driver time to provide daily transportation for one or more severely handicapped children in unique situations where district transportation funds for mileage are not adequate		
		5.4.D Orientation for district personnal responsible for transporting severely handicapped children		
		5.4.E Modifications of new or existing district vehicles (lifts, safety devices, restraints) used to transport severely handicapped children		
	5.5 Least Restrictive Environment	5.5.A Hire personnel, teacher aides, consultants		
		5.5.B Program relocation to intergrate handicapped with non-handicapped		
		5.5.C Training and technical assistance with regular and special education		
		5.5.D Contract for special services to insure education is as close to home as possible		
		5.5.E Purchase adaptive equipment and other appropriate materials		
6. Parent Involvement	6.1 Parent Organization	6.1.A Formation and operation of district special education advisory council	Parental Involvement - 3% of flow through funds	

Local School District Entitlement - FY 1979

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
6. (continued)	6.1 (continued)	6.1.B Formation and operation of district special education parent groups at either building or district levels	(Continued from previous page).	Continued from previous.page
		6.1.C Speakers or resource persons to make presentations to parent groups		
	6.2 Training	6.2.A Parent training programs in Admissions and Release Committee Process		
		6.2.B Requirements for P.L. 94-142		
		6.2.C Due Process and Procedural Safeguards		
		6.2.D Parenting in the home		
	6.3 Services to Facilitate Parent Participation	6.3.A Provision of interpretors		
		6.3.B Parent related costs in Admissions and Release Committee process		
		6.3.C Cost for duplicating student records to insure parent access		
		6.3.D Development and dissemination of information and handouts to assist parents		
7. Comprehensive System of Personnel Development	7.1 Inservice training	7.1.A. IEP development	Comprehensive System of Personnel Development - 4% of flow through funds.	
		7.1.B Procedures for identification, evaluation and location of handicapped children for regular and special education teachers administrators, and other personnel		
		7.1.C Train teachers and diagnosticians in skills necessary for IEP implementation		

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
7. (continued)	7.1 (continued)	7.1.D Train teachers and diagnosticians in relating to P.L. 94-142	Continued from previous page (85% of Total Grant)	Continued from previous page
		7.1.E Initial incentive, release time, stipends to staff in inservice training activities		
	7.2 Consultation	7.2.A Programmatic areas regarding staff development needs		
	7.3. Needs Assessment	7.3.A Conduct needs assessment for personnel in regular and special education to design inservices training to meet needs of all personnel		

Subsection C. Next Year (FY 1980) Programs, Services, Activities and Resources

Figure II describes FY 1980 (school year 1979-80) programs, services and activities which are planned to be carried out in the state through the utilization of federal, state, and local resources. Briefly, 5% of the State's total grant will be designated for administration as provided in P.L. 94-142. 85% of the state's grant will flow through to local school districts to be used in continuing/expanding services to first and second priority children through submission and approval of an application for the use of the funds (see Appendix II). 10% of the state's grant will be used to provide direct and support services to first and second priority children in response to identified statewide needs. The policies and procedures in regard to the use of this 10% discretionary grant are as follows:

1. Requests for proposals shall be disseminated to appropriate target agencies specifying the type of projects to be funded in order to meet the needs of first and second priority children based on statewide needs.

2. Agencies wishing to apply for the funds shall submit an application to the Bureau of Education for Exceptional Children.

3. The application shall include the following two components:

   (a) Completion of Sections I, II, and III of the EHA-B Application for FY 1980 (Appendix II). In the case that the applicant is a local school district which has an approved EHA-B Project for the current fiscal year, the local school district will not be required to submit this portion of the application due to the fact that it would already be maintained on file with the Bureau of Education for Exceptional Children. Agencies other than local school districts who complete Sections I, II and III of the EHA-B Application are to address statements regarding "local school district(s)" in light of the applying agency.

   (b) Project Narrative - The project narrative must contain information describing the following:

      (1) A Project Abstract - as brief as possible to adequately describe project

      (2) Project Scope and Purpose

      (3) Description of how the project meets first and/or second priority requirements

(4) Description of the extent to which the project addresses efforts by the agency to utilize existing fiscal and program resources to meet the needs identified in the application as an alternative to applying for funds available through this grant. Discretionary funds may not be used to replace programs funded under EHA-B flow-through funds to local school districts.

(5) Description of the extent to which the project addresses meeting the needs of children in the least restrictive environment and as close to home as possible.

(6) Justification of the need for the program based on the needs of children as determined on Individual Education Program(s).

(7) Description of project objectives, activities, and evaluation procedures.

(8) Identification of the children and/or personnel receiving direct benefit from Federal (Part B) funds.

(9) Job description for project staff

(10) Completed budget with budget codes which conform with Kentucky's Uniform School Financial Accounting Manual. A sample budget appears with the EHA-B application.

(11) A completed copy of the Cooperative Agency Agreement if the project is to involve more than one agency. This document appears with EHA-B application.

(12) Evidence that public and non-public education agencies and the general public in the applying agency's jurisdiction have been informed of the project and have had an opportunity to participate in planning activities.

4. Project proposals will be reviewed by a team consisting of Division of Supporting Services staff (Director, Director of Unit of Federal Programs, Director of Unit of Special Projects, and Director of Unit of Staff Development), representatives from the Bureau of Education for Exceptional Children categorical divisions as determined by the categories of exceptionality addressed in the application, and other personnel at the discretion of the review team.

5. The review team will forward to the Assistant Superintendent, Bureau of Education for Exceptional Children, projects to be recommended for approval or disapproval.

6. The Assistant Superintendent, Bureau of Education for Exceptional Children, will recommend approval or disapproval of each proposal and the ultimate award of funding to the Superintendent of Public Instruction, Department of Education. Grant awards will be approved by the Superintendent of Public Instruction.

7. Projects will be funded for a period of one fiscal year. However, there is the potential for annual renewal. Such renewal will largely be dependent on a justification for continuation and on the quality of the evaluation component.

8. Contingent upon the approval of this Annual Program Plan, the review procedure is to be completed within 45 days of submission of the proposal.

9. Projects funded under this grant will be monitored by staff from the Bureau of Education for Exceptional Children.

10. Policies described in Section XIII (Recovery of Funds for Misclassified Children), Section XIV (Hearing on Local School District Application), and Section XVI (Complaint Procedures) apply to projects funded under this grant.

GURE II

FISCAL YEAR 1980 (School Year 1979-80)
PROGRAMS, SERVICES, ACTIVITIES AND RESOURCES FOR SERVING
FIRST AND SECOND PRIORITY CHILDREN

State Share - Administration - FY 1980

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
1. State Department of Education Responsibility for All Programs (for more information see Section XVI, Subsection C of this plan)	1.1 Annual Program Plan	1.1.A Development and dissemination of Annual Program Plan	5% of Total Grant Used for administration by State Department of Education as provided for in P.L. 94-142	Resources cut across and apply to all three funding areas: 1. State Share - Administration 2. State Share - Discretionary 3. Local School District Entitlement Local Resources $6,000,000 State Resources A. Minimum Foundation Unit Program (4110 exceptional classroom units - $62,975,044 B. Transportation Units - an increased transportation formula (5X) is provided for the transportation of those exceptional children who need special transportation in order to get to and from school - $530.00 per child in Average Daily Attendance C. Funding for Kentucky School for the Blind (KSB) and Kentucky School for the Deaf (KSD) - 1. KSB Program - $1,698,310 Capital Construction - $50,000 2. KSD Program - $3,465,550 Capital Construction - $75,000 3. Transportation Allocation - $100,000 (for once a month home visitation for students)
		1.1.B Public Hearings on Annual Program Plan		
		1.1.C Staff travel to meetings to acquire information and skills necessary for plan development		
	1.2 Approval, Supervision, Monitoring, and Evaluation of Programs for Exceptional Children	1.2.A Review, approval and evaluation of local school district applications for funds under EHA, Part B		
		1.2.B Monitoring and evaluation site visits to one-third of all local school districts (all programs monitored and evaluated on a 3 year cycle)		
		1.2.C Development and dissemination of Revised Kentucky Administrative Regulations		
		1.2.D Data collection, maintenance, and interpretation		
	1.3 Technical Assistance	1.3.1 Conducting workshops for and provision of technical assistance to local school district personnel on EHA, Part B application		
		1.3.B Technical assistance to local school districts and other public and private agencies and groups related to P.L. 94-142 and revised Kentucky Administrative Regulations		

State Share - Administration - FY 1980

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
1. (continued)	1.4 Leadership	1.4.A Administrative and clerical staff positions in Division of Supporting Services, Bureau of Education for Exceptional Children	Continued from previous page (5% of Total Grant)	D. Funding for Deaf-Blind Children - $67,720 (covers tuition and transportation for eight children to attend Alabama Institute for Deaf and Blind in Talladega, Alabama)
		1.4.B Administration of Annual Program Plan; EHA, Part B funds; Preschool Incentive Grant and EHA, Part D Grant		E. Out-of-District Funds - $1,879,400 (Funds for educational services provided to children in Department for Human Resources Facilities includes regular & special education)
		1.4.C Activities of the State Advisory Panel for Exceptional Children		F. Bureau of Education for Exceptional Children Budget - $1,522,200 - SEA budget funded through state funds through which administrative, consultative and support services are provided to programs for exceptional children
2. Child Identification, Location and Evaluation (for more information, see Section V of this plan)	2.1 Annual Program Plan	2.1.A Development of Section V of the Annual Program Plan		
	2.2 Approval, Supervision, Monitoring and Evaluation of Programs for Exceptional Children	2.2.A Monitoring and evaluation of requirements for child identification, location, and evaluation activities through document review and on-site visits		
		2.2.B Data Collection, maintenance and interpretation related to child identification, location and evaluation statewide		Federal Resources
	2.3 Technical Assistance	2.3.A Provision of training and technical assistance regarding child indentification, location and evaluation activities and requirements		A. Vocational Education - $987,442 aside) - provided to local school districts on a project basis and administered by the Bureau of Vocational Education, Kentucky Department of Education
		2.3.B Materials development and dissemination regarding child identification, location and evaluation activities and requirements		B. Vocational Rehabilitation - $18,500,000 - Provided to local school districts on a project basis and administered by the Bureau of Vocational Rehabilitation, Kentucky Department of Education
	2.4 Leadership	2.4.A Administration of Child Identification, Location and Evaluation activities identified in Section V of the Annual Program Plan		C. ESEA, I (P.L. 89-313) -$1,298,752 Provided to state operated programs through the Department of Education and Department for Human Resources and to local school districts for students who have returned to school districts from these programs.

State Share - Administration - FY 1980

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES *(approximate figures)*
2. (continued)	2.4 (continued)	2.4.B Establishment and utilization of linkages with public and private agencies and groups involved in the identification, location and evaluation of exceptional children	Continued from previous page (5% of Total Grant)	C. (continued) Projects funded in this manner are administered and monitored under the Division of Compensatory Education, ESEA, Title I, Bureau of Instruction, Department of Education, with technical assistance for appropriate programmatic evaluation provided by the Bureau of Education for Exceptional Children.
3. Comprehensive System of Personnel Development (for more information see Section X of this plan)	3.1 Annual Program Plan	3.1.A Development and dissemination of Section X of the Annual Program Plan		
	3.2 Approval, Supervision, Monitoring and Evaluation of Programs for Exceptional Children	3.2.A Monitoring and evaluation of local school districts utilization and implementation of the Comprehensive System of Personnel Development through document review and on-site visits		D. Title VI-C Deaf-Blind Centers - $212,159 - funds to four centers in Kentucky which provide special education to deaf-blind children. These centers are located at Kentucky School for the Blind; Child Evaluation Center, University of Louisville Medical School; Lexington, University of Kentucky; and Oakwood Training Center, Somerset, Kentucky.
		3.2.B Annual data collection and needs assessment related to personnel needs		E. Title IV-C (set aside) - $319,000 - These funds are combined with Part B funded projects and are available to all local school districts.
	3.3 Technical Assistance	3.3.A Provision of training and technical assistance regarding the Comprehensive System of Personnel Development		F. EHA, Part B - $12,678,750 G. Preschool Incentive Grant - $130,000 H. EHA, Part D - $70,000
		3.3.B Materials development and dissemination regarding the Comprehensive System of Personnel Development		
		3.3.C Coordination of and staff assistance to the Committee for the Comprehensive System of Personnel Development		
	3.4 Leadership	3.4.A Ongoing implementation and evaluation of the Comprehensive System of Personnel Development		
		3.4.B Provision of training in response to statewide needs through administration of the EHA, Part D grant		

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES *(approximate figures)*
3. (continued	3.4 (continued)	3.4.C Coordination of and staff assistance to the Committee for the Comprehensive System for Personnel Development	Continued from previous page (5% of Total Grant)	Continued from previous page
		3.4.D Implementation of procedures for acquiring and disseminating to teachers and administrators of programs for exceptional children significant information derived from from educational research, demonstration and similar projects, and for adopting where appropriate, promising educational practices and materials developed through those projects		

State Share - Discretionary Grant - FY 1980

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES *(approximate figures)*
1. Individual Education Programs	1.1 Direct Services to First and Second Priority Children	1.1.A Services to newly identified first priority children related to IEP development and implementation	1. 10% of Total Grant	Continued from previous page
		1.1.B Expansion of services for more effectively responding to the needs of first and second priority children in need of both education and treatment in accordance with educational needs identified on IEPs		
		1.1.C Expansion of services for more effectively responding to the needs of first and second priority children through the stimulation of model/alternative programs in accordance with the needs of children as identified on their IEPs		
	1.2 Support Services to First and Second Priority Children	1.1.A Development of materials and media to be used in training staff to meet the needs of first and second priority children in accordance with their IEPs		
		1.2.B Provision of training to regular and special education personnel necessary for the development and implementation of IEPs for first and second priority children		

Local School District Entitlement - FY 1980 (Part B funds are used to cover activities including, but not necessarily limited to, the following:)

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
1. Child Identification	1.1 Public Awareness Activities	1.1.A Media and publicity materials to conduct awareness campaign of local Child Find efforts	85% of Total Grant flowed through to Local School Districts	Continued from previous page
		1.1.B Public information pamphlet or brochure explaining district special programs and services		
	1.2 Child Find Efforts	1.2.A Child Find Coordinator to coordinate, develop and distribute needs assessment; assist in preschool screening and planning; direct district efforts to identify out-of-school and inschool children in need of services		
		1.2.B Establish and implement data collection and maintenance		
	1.3 Screening and Evaluation Efforts	1.3.A Acquisition of psychological testing or educational assessment materials		
		1.3.B Expansion of screening activities for all district children in order to identify potential special learning problems		
		1.3.C Excessive cost of diagnosis and evaluation related to Admissions and Release Committee requirements for placement (medical, neurological, audiometer, opthamological, psychiatric, or unusual psychological evaluations)		
	1.4 Consulting Services	1.4.A On-site consultation: screening practices and instruments		
	1.5 Inservice Training	1.5.A Inservice training: handicapping conditions, Child Identification Task Force functions, mainstreaming practices, child identification, location and evaluation methods and requirements		

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Local School District Entitlement - FY 1980

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
2. Development and Implementation of Individualized Education Programs	2.1 Consulting Services	2.1.A Consultation regarding development of Individualized Education Programs	Continued from previous page (85% of Total Grant)	Continued from previous page
		2.1.B Payments to professional personnel for extended time to meet requirements under the law		
		2.1.C Services related to physical/occupational therapy evaluations and prescriptions for severely handicapped children		
	2.2 Inservice	2.2.A Inservice training: Individual Education Programs development and implementation		
		2.2.B Inservice training for drivers of buses and aides		
	2.3 Therapy Specialists	2.3.A Speech, hearing or vision therapy which exceeds district capabilities		
		2.3.B Mobility training for visually impaired children		
		2.3.C Total manual communication instruction for hearing impaired or deaf children, their parents and teachers		
	2.4 Teacher Aides	2.4.A Aides for physical and educational assistance to severely handicapped children		
	2.5 Educational material and Supplies	2.5.A Acquisition of educational supplies and curriculum-related materials for individual handicapped child's program		
	2.6 Special Equipment	2.6.A Individually required special equipment (to remain school district property which permits school attendance by severely handicapped children (wheelchair, portable toilets, temporary ramps, etc.)		

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
2. (continued)	2.6 (continued)	2.6.B Acquisition of educational equipment related to the education of severely handicapped individuals (Braille machines, amplification equipment, etc.)	Continued from previous page (85% of Total Grant)	Continued from previous page
		2.6.C Acquisition of special physical education or motor skills equipment and/or personnel to carry out prescribed physical or occupational therapy activities, or to permit substitute physical or occupational therapy activities, or to permit substitute physical education activities when regular district programs are not appropriate.		
3. Due Process Procedures and Confidentiality of Personally Identifiable Information	3.1 Consultative Services	3.1.A On-site consultation: needs assessment of district due process and confidentiality procedures including forms and record keeping		
	3.2 Inservice	3.2.A Inservice training: procedural safeguards for student records, parent communications, functions of Admissions and Release Committee		
	3.3 Impartial Due Process Hearing	3.3.A Translation of district parental consent forms into languages other than English or into braille for blind parents, as needed		
		3.3.B Interpreter for hearing impaired parents or translators for non-English speaking parents, as needed		
		3.3.C Pay expenses of an Impartial Hearing Officer or other costs of a due process hearing		

Local School District Entitlement - FY 1980

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
3. (continued)	3.4 Public Awareness	3.4.A Development and dissemination of written material regarding the rights and protections extended to parents and children under the Family Educational Rights and Privacy Act and P.L. 94-142	Continued from previous page (85% of Total Grant)	Continued from previous page
4. Protection in Evaluation Procedures (Non-discriminatory Testing)	4.1 Evaluation Services	4.1.A Hiring of personnel		
		4.1.B Purchasing of evaluation instruments		
		4.1.C Contracting for evaluation		
		4.1.D Translation of tests to native language of child, provision of test administrator who can administer such test		
	4.2 Consultative Services	4.2.A On-site consultation: administration of bilingual psychological testing and/or educational assessment		
		4.2.B Conducting the assessment		
		4.2.C Requirements of the assessment		
		4.2.D Special evaulation and regular education instruction		
		4.2.E Informal/formal assessment		
		4.2.F Procedures for evaluation for state requirements		
	4.3 Inservice	4.3.A Inservice training: comprehensive evaluation procedures, selection of appropriate evaluation instruments		
		4.3.B Interpretation of information from assessment		

Local School District Entitlement - FY 1980

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
5. Implementation of Full Services Within the School District	5.1 Consultative Services	5.1.A On-site consultation: assistance with district needs assessment and planning to establish full continuum of services and current gaps in district special programs and services	Continued from previous page (85% of Total Grant)	Continued from previous page
		5.1.B On-site consultation: developing research projects related to special education which are of relevance to districts		
		5.1.C District special education research project (proposal outline must accompany local school district application)		
		5.1.D Third-party evaluation of specific aspects of special programs or services		
	5.2 Inservice	5.2 Extended inservice opportunities for district personnel, in conjunction with State Department of Education comprehensive personnel development, must relate to increased professional competence in special education related to first and second priority children		
	5.3 Programming and/or Curriculum Development	5.3.A Initiation of district special programs for young severely handicapped children		
		5.3.B Supervision of district arranged work placements for secondary handicapped students		
		5.3.C Initiation of new programs or services within the approved special education (resource, self-contained, etc.); excess costs in planning, development, and securing facilities and equipment		

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
5. (continued)	5.4 Transportation Services	5.4.A Adapted driver training procedures and facilities to accomodate secondary handicapped students	Continued from previous page (85% of Total Grant)	Continued from previous page
		5.4.B Bus aides to accompany driver on district vehicles carrying severely handicapped individuals		
		5.4.C Driver time to provide daily transportation for one or more severely handicapped children in unique situations where district transportation funds for mileage are not adequate		
		5.4.D Orientation for district personnal responsible for transporting severely handicapped children		
		5.4.E Modifications of new or existing district vehicles (lifts, safety devices, restraints) used to transport severely handicapped children		
	5.5 Least Restrictive Environment	5.5.A Hire personnel, teacher aides, consultants		
		5.5.B Program relocation to intergrate handicapped with non-handicapped		
		5.5.C Training and technical assistance with regular and special education		
		5.5.D Contract for special services to insure education is as close to home as possible		
		5.5.E Purchase adaptive equipment and other appropriate materials		
6. Parent Involvement	6.1 Parent Organization	6.1.A Formation and operation of district special education advisory council		

Local School District Entitlement - FY 1980

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
6. (continued)	6.1 (continued)	6.1.B Formation and operation of district special education parent groups at either building or district levels	Continued from previous page (85% of Total Grant)	Continued from previous page
		6.1.C Speakers or resource persons to make presentations to parent groups		
	6.2 Training	6.2.A Parent training programs in Admissions and Release Committee Process		
		6.2.B Requirements for P.L. 94-142		
		6.2.C Due Process and Procedural Safeguards		
		6.2.D Parenting in the home		
	6.3 Services to Facilitate Parent Participation	6.3.A Provision of interpretors		
		6.3.B Parent related costs in Admissions and Release Committee process		
		6.3.C Cost for duplicating student records to insure parent access		
		6.3.D Development and dissemination of information and handouts to assist parents		
7. Comprehensive System of Personnel Development	7.1 Inservice Training	7.1.A. IEP development		
		7.1.B Procedures for identification, evaluation and location of handicapped children for regular and special education teachers administrators, and other personnel		
		7.1.C Train teachers and diagnosticians in skills necessary for IEP implementation		

Local School District Entitlement - FY 1980

PROGRAMS	SERVICES	ACTIVITIES	PERCENT OF EHA, PART B FUNDS	RESOURCES (approximate figures)
7. (continued)	7.1 (continued)	7.1.D Train teachers and diagnosticians in relating to P.L. 94-142	Continued from previous page (85% of Total Grant)	Continued from previous page
		7.1.E Initial incentive, release time, stipends to staff in inservice training activities		
	7.2 Consultation	7.2.A Programmatic areas regarding staff development needs		
	7.3. Needs Assessment	7.3.A Conduct needs assessment for personnel in regular and special education to design inservices training to meet needs of all personnel		

Subsection D. Determination of the number of handicapped children receiving an education and the degree to which it is determined to be adequate is provided through the following procedures.

1. Data Information

   a. Numbers of handicapped children by category and by age served in each Minimum Foundation Program exceptional child unit is reported on the Annual Report Form. This report is submitted to the Bureau of Education for Exceptional Children by October 15th of each school year.

   b. Section IV - Data Requirements of the EHA, Part B application (Appendix II) provides a full accounting of all handicapped children by category, age range, placement of delivered services and need for other types of placement. This report is submitted to the Bureau of Education for Exceptional Children by all local school districts and state operated programs as an end of the school year report. This provides a planning document as to the types of service placements required for the next school year.

   c. Information from the above documents is then compared to the annual school census data of handicapped children and follow-up contact is made where discrepancies occur.

2. Other Information

   a. Analysis of request for Due Process Hearings at the state level.

   b. Analysis of referrals for services or complaints received at the state level and the response by the service providers as to resolving problems.

   c. Analysis of local school districts "Full Services Profile and Needs Survey" as provided by the Division of Field Services.

   d. Analysis of Individual Education Programs versus actual delivery of services, determined by the sampling review of records during on-site visitations.

   e. Increased numbers of fully certified personnel employed for the specific purpose of instruction for the handicapped.

   f. Increased numbers of programs and children being provided beyond the mandated age range.

3. Development of the Child Tracking System identified in Section V of this plan will assist in improving the accuracy and effectiveness of data collection, maintenance and use.

Subsection E. The following monitoring procedures are incorporated by reference from last year's plan (FY 1979). These are quoted here to assist the public in its review of this year's plan.

> "Monitoring of educational services provided to priority children is primarily provided by the verification of the assurances required for the use of EHA, Part B funds by a local school district. Objectives for the use of the Part B funds must be specified for the meeting of these priorities and directed toward a full service goal for handicapped children. These services will be evaluated during the on-site visits to local school districts by members of the Bureau of Education for Exceptional Children staff, either in conjunction with comprehensive team visit or EHA, Part B project visit.
>
> A three-year cycle which provides on-site visitation to one-third of the local school districts each year has been established by the combined schedules of Comprehensive Team Visits and EHA, Part B project visits. Local school districts where deficiencies are found will be provided technical assistance by the coordinated efforts of the combined programmatic and field service Bureau of Education for Exceptional Children.
>
> Mechanisms are established so that all exceptional children being served through a state operated program (i.e., Kentucky School for the Deaf, Kentucky School for the Blind, Department for Human Resources facilities) or non-public school programs shall be known to the local school district of his/her residence. The review of individual placements and parental involvement with the Administrative Admissions and Release Committee in the development of Individual Education Programs as required by the procedures presented in this document will assure the provision of appropriate educational services to all exceptional children."

V. CHILD IDENTIFICATION (612(2)(c))

The following are policies and procedures which Kentucky has undertaken in order to assure that: "all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services: (121a.128).

Subsection A. DESIGNATION OF RESPONSIBLE AGENCY

The Kentucky Department of Education, Bureau of Education for Exceptional Children, is the responsible agency for state-wide coordination of planning and implementation of policies and procedures for the identification, location, and evaluation of all exceptional children, birth through 21 years of age. This is clearly documented in Section XVI of this document.

Subsection B. AGENCIES PARTICIPATING IN PLANNING AND IMPLEMENTATION

1. Local School Districts

The manner in which the local school district serve as the primary facilitator for implementing child identification procedures for exceptional children is described by the following:

a. The "Consent Agreement," requires the State Board for Elementary and Secondary Education "to establish, by regulation, procedures and guidelines pursuant to which all local school districts in the Commonwealth shall commence and/or continue identification of exceptional children residing in such districts, who are otherwise eligible for attendance in the public education system but who are not attending a program of the local school district."

b. A census of all handicapped children within each school district is taken annually and reported to the Department of Education as required by KRS 157.260.

c. Kentucky Administrative Regulation 707 KAR 1:051, Section 2, requires local school district personnel to continue the identification of exceptional children residing in their school district. Standards are being developed pursuant to 707 KAR 1:051 which specify procedures relative to comprehensive child identification, location, and evaluation. (See Section XVI for an explanation of Standards.)

d. Local school districts, through their application for EHA Part B funds, must describe the procedures utilized which provide an ongoing child find system for both out-of-school exceptional children and in-school exceptional children. A child find contact person is specified within the district.

e. The local school district is responsible for informing non-public schools and agencies within its jurisdiction as to the availability of identification, evaluation, and special education services for all exceptional children.

f. Procedures for the two state residential schools, Kentucky School for the Blind and Kentucky School for the Deaf, require close cooperation with the local school district of a child's residence in regard to referral, identification, and evaluation as well as the determination of placement.

g. Residential facilities administered under the Department for Human Resources which provide educational services are requested to send to the local school district of the parent or guardian's residence, a listing of the children provided an education through the facility.

h. Local school districts which assist the Department for Human Resources facilities in providing an educational program maintain a liaison for purposes of ongoing identification and evaluation as well as special education provisions.

2. Other State and Community Agencies

a. Names of Participating Agencies

State agencies which are cooperatively participating in child identification, location, and evaluation activities include programs for exceptional children administered through the Kentucky Department for Human Resources. The Department for Human Resources has developed a Human Services Directory which includes available services for Kentuckians. All community services offered in a region are listed within the appropriate descriptor. Of the nineteen descriptors, (05) Education, (08) Social and Emotional Development and Adjustment, (09) Protection from Abuse, Neglect, or Exploitation, (11) DayCare, (12) Family Planning and Pregnancy Problems, (13) Adoption, and (14) Substitute Living Arrangement provide comprehensive listings of agencies which may provide child identification information. This is a six volumn compendium and is not appropriate to append; however, individuals interested in using this directory may contact: Area Development District Planning Offices, Department for Human Resources, 275 East Main Street, Frankfort, Kentucky 40601 Phone (502) 564-5342.

Other agencies which traditionally know of or may find handicapped children such as the Easter Seal Society, United Cerebral Palsy, Associations of Retarded Citizens, Head Start, and advocacy groups for specific disabilities are encouraged to inform local school districts of such children as an integral part of the identification process of all exceptional children in Kentucky.

b. Nature and Extent of Participation

The above agencies have participated in a variety of ways and to the degree appropriate to their agency and program involvement both at the local and state levels. These activities include:

(1) Awareness/Public Information

(a) Each of the above agencies informs their clients and/or parents as to their "rights" and the availability of educational programs within the public school system.

(b) Information is exchanged regarding availability of services for exceptional children with health and social services and other community resources as a necessary component of the local school districts' child find systems.

(2) Screening/Referrals

(a) Referrals may be received at the local level or at the state level from any of the above agencies (description of the state referral system will be discussed under major Child Identification activities).

(b) Various screening programs and early identification programs have been carried out under the Department for Human Resources through County Health Departments, Comprehensive Care Centers, Early Periodic Screening/Early Periodic Screening Diagnostic Treatment, Infant and Maternal Care, and Developmental Disabilities Service Projects.

(c) Cooperative screening clinics such as vision, hearing, speech, developmental and/or general health are provided in schools by personnel from public health agencies.

When an "at risk" school-age child is identified, this information is passed on to a local district. Children above or below school age are referred to an appropriate agency such as those within the Department for Human Resources.

The referral process, by necessity, must be a two way street between all agencies which identify and serve handicapped children. Therefore, when a handicapped child leaves school for whatever reason before the age of 21, the school should refer that child to another agnecy who provides additional needed services.

(d) Head Start programs constitute an important identification and screening source for young handicapped children. Over 50% of the Head Start programs in Kentucky are under the administration of the public school system; therefore, information relevant to identifying exceptional children in these programs is readily available to local schools as they plan for the provisions of full educational services. Head Start programs provide the local school district with a list of handicapped children as a means of referral when a child becomes school age.

(e) Interagency referral procedures and positive working relationships are established at the state and local levels.

(3) Identification/Evaluation

(a) The formal assessments required for educational placement of a handicapped child vary according to the disability of that child. Depending upon the severity or type of disability, a local school district may need to contract with one or more of the above agencies to assist in obtaining accurate, valid, diagnostic information in order to correctly determine if a child meets the criteria for a special education placement.

(b) Local school districts must insure that evaluations conducted by other agencies (at the local school districts' request) meet the criteria established in 707 KAR 1:051.

(4) Parental Involvement

(a) Parents may be effective identifiers; therefore, training workshops for parents have been conducted by some agencies. These workshops alert them to their "rights" under P.L. 94-142, encourage appropriate attitudes and skills for being effective participants on an Admissions and Release Committee, and present specific developmental information which might assist in the early identification of a handicapped child.

(b) These agencies also assist by informing parents how and to whom they may refer a handicapped child for educational purposes.

(c) Parents are provided the opportunity to participate in the development of the Individual Education Program for their child regardless of the agency providing the service.

Subsection C. ACTIVITIES ACHIEVED UNDER THE FY 79 ANNUAL PROGRAM PLAN

Activities were undertaken in FY 79 to insure that "all children who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated; and (that) a practical method is developed and implemented to determine which children are currently receiving needed special education services and which children are not currently receiving needed special education services." The following is a description of the extent to which:

(i) activities described in the FY 79 Annual Program Plan have been achieved; and

(ii) the resources named for these activities in that plan have been used.

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
Item 1 Implement the referral procedures regarding the identification, location, and evaluation of children served in state operated programs.	All children referred to and/or placed in state operated programs have been identified, located, and evaluated in compliance with 707 KAR 1:051, Section III, (e) 2. To accomplish this, staff from the state-operated programs worked in cooperation with local school districts to insure that all referrals, evaluations, placements and Individual Education Programs were completed through the procedures established for Admissions and Release Committees.	Program Resources: Bureau of Education for Exceptional Children staff were utilized to provide technical assistance to state facilities and local school districts and to insure compliance with regulations. Fiscal Resources: State Funds, EHA, Part B Administrative Funds and P.L. 89-313 Funds
Item 2 Continue effort to process individual child referrals by the Bureau of Education for Exceptional Children in accordance with established procedures.	2.1 In FY 79, children referred to the Bureau of Education for Exceptional Children were processed via the procedures for Project SEEK. These procedures include intake, contact with parents and local school districts, and follow-up to insure the provision of free, appropriate public education. 2.2 To increase coordination on procedures for intake within the Bureau of Education for Exceptional Children, the present referral intake system has been refined. Information has been written and disseminated to the Bureau staff. Within the information are specific policies and procedures to follow. The "Kentucky Child Find Intake Form" has been modified with an attached explanation of each item. In addition, the Bureau of Education for Exceptional Children staff received referral intake training. Training involved distribution of the Child Find Intake procedures and full explanation of these procedures.	Program Resources: Bureau of Education for Exceptional Children staff were utilized to process referrals in-house. Specifically the Bureau of Education for Exceptional Children Child Identification Committee was involved in the development of, and Bureau of Education for Exceptional Children training on, the new procedures. The Bureau of Education for Exceptional Children Coordinator of Procedural Safeguards is involved in processing all referrals. In addition, local school districts and Department for Human Resources are involved in the provision of services. Fiscal Resources: State Funds and EHA, Part B Administrative Funds

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
	These procedures appear in summary form under "Adoption of Complaint Procedures" in Section XVI of this plan.	
	2.3	
	As stated in the "Complaint Procedures", all Bureau of Education for Exceptional Children intake referrals will be submitted to the Coordinator of Procedural Safeguards for processing. The referral system has been refined to accomodate all types of referrals currently being received by the Bureau of Education for Exceptional Children. The majority of school-age referrals concern children who are receiving inappropriate services.	
	2.4	
	Kentucky local school districts have expanded their efforts in child identification. As a result of this effort, referrals to the Bureau of Education for Exceptional Children have been reduced and all referrals have been processed. Many referrals involved preschool age children, thus, these referrals have been submitted to the appropriate Department for Human Resources contact person as well as the local school district of residence. The Bureau of Education for Exceptional Children, in collaboration with the Department for Human Resources, has improved established procedures to enhance interagency child identification efforts.	

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
Item 3 Data on all individually referred children will be supplied to the Bureau of Education for Exceptional Children by local school districts for purposes of future program planning.	As part of their Annual Reports and Child Count (described more fully in Subsection E - Monitoring of this section) local schools are required to maintain records of numbers of children referred and their current status regarding placement decisions and provision of services. The Bureau of Education for Exceptional Children staff reviewed this data and input from the on-site monitoring teams. Based on this information, the Child Identification Committee and the Unit of Federal Projects have jointly refined the FY 80 Part B application pertaining to child identification. Included in the Child Identification section, a local school district must describe their existing child identification and referral procedures (more fully described in Activity 4 of this subsection) in more detail.	Program Resources: The Bureau of Education for Exceptional Children staff were utilized to review data provided by local school districts. Fiscal Resources: State Funds and EHA, Part B Administrative Funds
Item 4 Continuation of child identification requirements for Part B applications by local school districts.	4.1 For FY 79, local school districts were required to describe their on-going child find procedures in the Child Identification section of the Part B application. Two issues were addressed by each local district receiving Part B funds: (1) the procedures for identifying, locating, and evaluating children in other public and non-public agencies; and (2) the methods used for determining which children are currently receiving needed special education and related services and which are not. Monitoring of the information provided was achieved via the districts' annual report, Child Count, and on-site comprehensive visits as described in Subsection E - Monitoring of this section.	Program Resources: As projected, the Bureau of Education for Exceptional Children staff were utilized to review, approve, and monitor Part B applications prepared by appropriate local school district personnel.

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
	4.2 In addition, during FY 79 Bureau of Education for Exceptional Children staff reviewed information obtained through the Part B applications and prepared refinements of the Part B application for use in FY 80. Issues addressed in this revised section specifically include: (1) public awareness; (2) identification, location, and evaluation of handicapped children enrolled in the local school district or referred to another agency by the local school district; (3) identification, location, and evaluation of children enrolled in non-public agencies; and (4) identification, location, and evaluation of unserved handicapped children (Appendix II).	Program Resources: Bureau of Education for Exceptional Children staff were utilized to complete the refinement of the FY 80 Part B application.
	4.3 In June of FY 79, Bureau of Education for Exceptional Children staff provided information and technical assistance to local school districts related to preparation of Part B applications for FY 80. This assistance was provided via regional workshops for designated local school district personnel.	Bureau of Education for Exceptional Children staff were utilized to provide technical assistance to local school personnel preparing the FY 80 Part B applications. Fiscal Resources: EHA, Part B Administrative Funds
Item 5 Continue inschool child find activities in local school district, including screening required by House Bill 579, the Educational Improvement Act.	5.1 All local school districts in Kentucky conducted appropriate child find activities as required by state regulations. Monitoring of local school district's child find activities, as specified in state policies and procedures, was facilitated through Comprehensive Team Evaluations, categorical evaluations, and Part B site visits	Program Resources: Bureau of Education for Exceptional Children staff were utilized in monitoring local child find efforts and developed policies for the involvement of exceptional children in the Educational Improvement Plan mandated state-wide screening.

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
	(described more fully in Subsection E of this section).	Fiscal Resources:
	5.2	State Funds and EHA, Part B Administrative Funds
	House Bill 579 requires screening tests to be given in April 1979 in grades 3, 5, 7, and 10 and continue each year. Children who are identified as having learning problems as a result of screening are to be given further diagnostic tests in the Fall of the following school year. Children identified as possibly needing special education and/or related services are referred to the appropriate Admissions and Release Committee consistent with 707 KAR 1:051. Local school districts develop annual district plans (Educational Improvement Plans) for submission to and approval by the Department of Education. These plans address improving the district educational program for all children.	
	5.3	
	Bureau of Education for Exceptional Children staff have prepared guidelines consisting of pertinent issues and answers relative to the involvement of all exceptional children in the testing process.	
	5.4	
	In addition to screening through the Educational Improvement Act, local school districts conduct a variety of screening activities of in-school children. These include academic/developmental screening and screening in the areas of vision, hearing, speech, and health. Data is being gathered on local school district activities through the EHA, Part B Application (Appendix II).	

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
Item 6 Bureau of Education for Exceptional Children-sponsored training relative to Child Find.	6.1 The Bureau of Education for Exceptional Children, both Frankfort based and Field Service Consultants, delivered training and child identification technical assistance services to local school districts.	Program Resources: As projected, Frankfort based and Field Service Consultants were utilized to plan and implement training and technical assistance efforts in accordance with local school district requests. In addition, Mid-South Regional Resource Center staff and Chapel Hill Training-Outreach Project staff were utilized. Fiscal Resources: State Funds, EHA, Part B Funds, Preschool Incentive Grant Funds, and EHA, Part D Funds
	6.2 Parent training activities for parents and local school district Child Find Contact Persons have been planned and are scheduled for delivery in July, FY80. Products and presentations have have been developed and arrangements have been made for general dissemination of public awareness materials (See Section X of this plan).	
	6.3 Project KIK included parent training as a component of the two-day workshops. Areas covered included: a) rights of parents; b) roles of parents; and c) responsibilities of parents.	
	6.4 As described in Section X of this plan, a cadre of consultants is being established to provide technical assistance to agencies related to the identification, location, evaluation, and placement of first and second priority children.	
	6.5 During EHA-B site visits conducted in local school districts, Bureau of Education for Exceptional Children staff used the Checklist Regarding Requirements of P.L. 94-142 to evaluate compliance with Child Identification requirements. Technical Assistance was delivered to local school district	

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
	personnel to remediate problem areas as a result of the visits.	
	6.6 The FY 80, EHA Part B application has been rewritten to provide additional information on local school district child find activities (Appendix II). Intensive training and technical assistance in preparation of application will be provided to all 181 local school districts in Kentucky in nine workshops scheduled for early summer, 1979.	
	6.7 During FY 79, the Unit of Staff Development conducted three, two-day workshops throughout Kentucky to train both regular education and special education personnel in products, techniques, and activities in the area of individual child assessment and individualization of instruction.	
	6.8 Department for Human Resources facilities which have the responsibility for providing educational programs to handicapped children, negotiated with local school districts in their geographic area to provide program services to all handicapped children as specified in the child's Individual Education Program. Bureau of Education for Exceptional Children staff were heavily involved and provided technical assistance in interpreting requirements of P.L. 94-142.	

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
	6.9 Bureau of Education for Exceptional Children staff provided training and technical assistance to Kentucky School for the Blind and Kentucky School for the Deaf upon request.	
Item 7 Development of child identification standards pursuant to 707 KAR 1:051.	7.1 In FY 79, Bureau of Education for Exceptional Children staff developed standards for child identification activities pursuant to 707 KAR 1:051 which more specifically address state requirements for conducting child identification, location, and evaluation activities for both in-school and out-of-school handicapped children.	Program Resources: As projected, Bureau of Education for Exceptional Children staff developed standards pursuant to 707 KAR 1:051. Fiscal Resources: State Funds and EHA, Part B Administrative Funds.
Item 8 Project KIK (Kentucky's Individualized Kindergartens)	Through the Preschool Incentive Grant, training and certification in the use of the KIK model occurred at ten sites throughout Kentucky from June 10 through December 8, 1978. Three hundred and fifty local school district personnel from 125 local school districts received training. Twenty-seven Bureau of Education for Exceptional Children staff and 4 other Kentucky Department of Education persons were trained and certified. The KIK activities have significantly impacted child identification at the preschool level. A list of resulting activities follows: 8.1 Approximately 4,300 kindergarten children have been assessed through the Learning Accomplishment Profile-Diagnostic Edition (LAP-D).	Program Resources: Preschool Incentive Grant staff and Bureau of Education for Exceptional Children staff were utilized to impelment the project. Fiscal Resources: State Funds, EHA, Part B Administrative Funds, and Preschool Incentive Grant Funds

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
	8.2 State and regional data were used to establish the "mean" scores and standard deviations. These were disseminated and explained to local school district personnel using the LAP-D. Individual child scores were provided to those teachers participating.	
	8.3 At risk children have been and are being referred for further evaluation. Numbers of actual handicapped children found and service provisions will be addressed in FY 80 activities.	
	8.4 State universities throughout Kentucky have participated in the training and have built certification and use of the LAP-D as part of the requirements for completion of assessment courses and have instituted it in the Educational Assessment clinics.	
	8.5 The training-to-train model has spread to special education teachers in the primary grades. Requests were regularly received for training and responded to by Bureau staff.	
	8.6 Bureau of Instruction and Head Start personnel recognize the importance of early identification and have expanded initial contacts with the Bureau of Education for Exceptional Children. Regular inter-agency communications have been expanded and shared efforts are regular occurances. As a result, more consistent identification and referral information is available to local school district first grade teachers.	

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
	8.7 Results from the LAP-D and other appropriate diagnostic data have been shared with parents of those students identified as high risk for further program planning and Individual Education Program development, where appropriate. 8.8 On-site technical assistance from Bureau of Education for Exceptional Children and Bureau of Instruction staff has stimulated continued refinement of teacher's skills and is building a stronger system.	
Item 9 Publication and dissemination of information relevant to child identification activities and procedures.	9.1 In FY 79, Bureau of Education for Exceptional Children staff developed, obtained approval for, and disseminated revised regulations including those related to identification, location, and evaluation of handicapped children. Relevant sections of 707 KAR 1:051 include Section II: Identification of Exceptional Children, Section IV: Child Evaluation, and Section IX: Procedural Safeguards. These provisions insure that federal regulations requiring identification, location, and evaluation are part of state regulations. In addition, standards developed to more specifically identify state requirements on identification, location, and evaluation activities are incorporated by reference into 707 KAR 1:051 and have the force of regulation. Upon approval of these standards in FY 80, they will also be disseminated to local school districts and other appropriate agencies.	Program Resources: As projected, Bureau of Education for Exceptional Children staff were utilized to develop, obtain approval for, and disseminate revised regulations (707 KAR 1:051); and to develop accompanying standards pursuant to those regulations. Bureau of Education for Exceptional Children staff were also utilized to develop and disseminate public awareness pamphlets and handbooks. Bureau of Education for Exceptional Children staff utilized Kentucky Department of Education publications to disseminate child find information. Fiscal Resources: State Funds, EHA, Part B Funds, and EHA, Part D Funds

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
	9.2 Public awareness pamphlets on the right to a free, appropriate public education have been developed for general dissemination throughout the state (see also Section X of this document). Besides outlining local school district responsibilities, the Individual Education Program process, and parental rights, the pamphlet identifies other Bureau of Education for Exceptional Children-developed parent information materials which may be requested at no cost. Regional workshops to train local district child find coordinators and parents in use and dissemination of the pamphlets and parent information materials have been planned for the summer of 1979. 9.3 The Kentucky Department of Education publications EDNews and Leader's Lines have been utilized to disseminate information to local school districts on child identification topics such as KIK, as described in Item 8 above, the Educational Improvement Act, etc.	
Item 10 Interagency Referral System	A subcommittee of the Kentucky Department of Education-Department for Human Resources was established to coordinate the planning for and the provision of a systematic approach to screening and identification efforts targeted at young handicapped children The resulting Short Grid Analysis was developed to facilitate understanding of programs and to serve as a basic reference point for 1980 interagency coordination.	Program Resources: Kentucky Department of Education representatives, Department for Human Resources representatives and Head Start representatives were utilized to provide structure and direction to efforts.

Subsection C. ACTIVITIES ACHIEVED IN FY 79

79 ACTIVITY	OUTCOME	RESOURCES USED
	The subcommittee developed and received approval for an interagency referral plan. This was submitted to legal representatives of Department for Human Resources for review. Specific legal issues to be researched involve the issues surrounding the transfer of personally identifiable information and maintain confidentiality. The plan is expected to be implemented by September, 1979.	Fiscal Resources: State Funds and EHA, Part B Administrative Funds

Subsection D. ACTIVITIES TO BE CARRIED OUT DURING FY 80

Activities have been planned for FY 80 to insure that "all children who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated; and (that) a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services." The following is a description of how each activity will be carried out in FY 80, including:

i) the role of the agency;

ii) timelines for completing those activities;

iii) resources which the State expects to use, including a projection of the States' share of Part B funds which will be used in the 1979-80 school year; and

iv) the expected outcomes of these activities, including information regarding the estimated number of children to be identified, located, and evaluated.

The topics which are addressed in Items 1-6 on the following pages are:

1. Child Identification Planning and Policy Development Activities

2. Procedural Safeguards Activities

3. Service Coordination and Communication Activities

4. Related Access Systems Activities

5. Personnel Training and Development Activities

6. Management and Evaluation Activities

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 1 Planning and Policy Development	1.1. Obtain Approval of and Disseminate Standards Pursuant of 707 KAR 1:051

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1. Description of Activity:

Although state regulations (707 KAR 1:051) are in place and insure that federal regulations regarding identification, location, and evaluation are met, the Standards developed in FY 79 pursuant to 707 KAR 1:051 need to follow appropriate state procedures for adoption. State regulations insure that all state policies and procedures are in compliance with existing federal legislation and regulations. Standards more specifically address state requirements and clarify federal requirements. The adoption of standards on child identification activities pursuant to 707 KAR 1:051 follows the same state procedures appropriate to regulation adoption. Bureau of Education for Exceptional Children efforts on adoption include drafting and submitting revisions based on comments from the above agencies and the public and monitoring all steps to insure adoption of child identification standards which are in full compliance with existing federal and state legislation and regulations.

2. Objectives:

   a. To insure full compliance on state child identification, location, and evaluation policies and procedures relative to existing federal and state legislation and regulations.

   b. To promote awareness of established policies and procedures for child identification activities by all agencies responsible for or electing to participate in such activities.

   c. To increase the quality and quantity of state-wide child identification activities.

3. Resources and Timelines:

Staff from the Kentucky Department of Education, Bureau of Education for Exceptional Children, State Board for Elementary and Secondary Education, and the Legislative Research Commission will be involved in the approval and dissemination of standards to all local school districts and other agencies conducting child identification activities. The target date for submission of standards is Summer, 1979, and it is anticipated that they will be adopted and disseminated as early as possible in FY 80. Both state funds (staff time) and EHA, Part B Administrative funds are being used and will continue to be used related to standards development, adoption, and dissemination.

4. Expected Outcomes:

   a. The adoption and dissemination of state standards to govern child identification activities.

   b. The implementation of child identification activities by local school districts and other agencies in full compliance with state regulations and standards.

   c. Increased efforts by local school districts to identify, locate, and evaluate all handicapped children residing within their jurisdiction.

   d. Increased numbers of handicapped children identified, located, and evaluated in full compliance with state regulations and standards.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 1 Planning and Policy Development	1.2. Refine Part 2: Checklist on P.L. 94-142 Requirements of the Comprehensive Evaluation of Exceptional Child Programs

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1. Description of Activity:

As indicated earlier in this section, the child identification section of the Part B application has been refined for FY 80. To insure effective monitoring of the child identification activities described by the local school districts in those applications, the child identification section of the Checklist on P.L. 94-142 Requirements which are used for on-site comprehensive evaluation need to be refined to reflect the specifications contained in the application. Bureau of Education for Exceptional Children staff will refine the existing child identification section on the Checklist on P.L. 94-142 Requirements to reflect the revised regulations and standards and the refined Part B application sections relevant to child identification activities.

2. Objectives:

   a. To insure fulfillment of Part B and state requirements regarding child identification, location, and evaluation.

   b. To prepare local school districts and other agencies for on-site comprehensive evaluation visits relevant to child find activities by providing them with the revised checklist items on which they will be evaluated.

   c. To refine the mechanism for systematic evaluation by Bureau of Education for Exceptional Children staff of local child find activities.

3. Resources and Timelines:

Bureau of Education for Exceptional Children staff including the Child Identification Committee and all personnel responsible for conducting on-site evaluations will be involved. This activity is being initiated in the Spring of 1979 and will be completed during FY 80 for use in on-going on-site evaluations beginning with school year 1979-80. This activity is being carried out through the use of State funds (staff time) EHA, Part B Administrative Funds, and a technical assistance agreement with the Mid-South Regional Resource Center.

4. Expected Outcomes:

   a. The refinement and dissemination of the child identification section of Part II: Checklist of P.L. 94-142 Requirements of the Comprehensive Evaluation of Exceptional Child Programs.

   b. The implementation by local school districts of child identification activities as specified in their FY 80 Part B applications.

   c. Systematic on-site evaluation of child identification activities based on the refined Checklist of P.L. 94-142 Requirements and descriptions of local activities contained in FY 80 Part B applications.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 1 Planning and Policy Development	1.3. Plan for Second Three-Year Cycle for the Monitoring and Evaluation of State-Wide Child Identification Efforts

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1. Description of Activity:

As required by the Bureau of Education for the Handicapped, an Annual Program Plan covering a three-year period will be submitted for FY 81. In this plan, state-wide child identification needs and projected activities will be addressed to demonstrate a comprehensive and long-range approach to all child identification efforts state-wide. Bureau of Education for Exceptional Children Staff will coordinate the development of the three-year plan by: (1) collecting and utilizing all available information on current and projected needs relevant to child identification efforts; (2) evaluating the effectiveness of current child identification efforts relative to statistics on the number of children who are currently receiving needed special education and related services and those who are not; and (3) setting priorities for renewed and intensified efforts.

2. Objectives:

   a. To develop a comprehensive approach to child identification efforts to be initiated in FY 81 and impelmented for three years.

   b. To compile all information collected through current and projected needs assessment surveys in order to identify and address all priority needs related to state-wide child identification efforts.

   c. To review and set timelines for achievement of the on-going goal of identifying, locating, and evaluating all handicapped children in Kentucky ages 0-21.

3. Resources and Timelines:

The staff of the Kentucky Department of Education including the Bureau of Education for Exceptional Children, Kentucky Department for Human Resources, and other agencies involved in child identification efforts will be utilized. This activity directed toward plan development will be initiated in Fall 1979, and will be completed in the Spring of 1980 for inclusion in the FY 1981 Annual Program Plan. EHA, Part B Administrative Funds will be used to cover the cost of this activity.

4. Expected Outcomes:

   a. The development and submission of a three-year plan for state-wide child identification efforts.

   b. Renewed/improved efforts at both the state and local level to achieve the mandate for identifying, locating, and evaluating all handicapped children ages 0-21 in full compliance with all federal legislation, regulations, and guidelines for such activities.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 1 Planning and Policy Development	1.4. Develop and Disseminate Cross-Reference of All Laws, Regulations, Standards, and Policies Relevant to Child Identification

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1. Description of Activity:

Because of the number of different federal and state laws, regulations, standards, and policies which all govern child identification efforts, there is a need to develop and disseminate one document which provides a comprehensive statement of all existing policies and procedures, with references for all sources of such policies and procedures for local child find coordinators and other personnel responsible for conducting child find activities. Bureau of Education for Exceptional Children staff will develop and disseminate this document of all child identification policies by: (1) reviewing all pertinent sources for inclusion in the document; (2) presenting all information in a straight forward approach; and (3) disseminating the document to local school districts and other state and private agencies participating in child identification efforts.

2. Objectives:

   a. To provide local school districts and other agencies participating in child identification efforts with one source for insuring that their efforts meet all established guidelines for such activities.

   b. To identify all federal and state sources of policies on child identification activities.

   c. To promote comprehensive approaches to child identification activities at both the state and local level.

   d. To promote support for renewed child identification efforts through understanding of all relevant policies and procedures.

3. Resources and Timelines:

Bureau of Education for Exceptional Children staff including the Child Identification Committee and the Coordinator for Procedural Safeguards will be involved. This activity is expected to be initiated in Fall 1979, pending approval of standards and hiring of Bureau of Education for Exceptional Children child find coordinator, and is to be completed during FY 80. State Funds (staff time) and EHA, Part B Administrative Funds will be used to carry out this activity.

4. Expected Outcomes:

   a. The development and dissemination of a document containing all existing legislation, regulations, standards, and guidelines governing child identification activities.

   b. Increased awareness by local school districts and other agencies of all policies and procedures governing child identification activities, an awareness which will result in fewer requests for clarification and minimum confusion.

   c. More comprehenisve approaches to child identification activities at the local level.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 2 Procedural Safeguards	2.1. Continue Intake of New State-Level Referrals Through Project SEEK/Complaint Procedures

1. Description of Activity:

   Although previous public awareness and other efforts have resulted in more new referrals made directly to the appropriate local school districts, there is a need for on-going efforts to process referrals made to the State Department of Education. As outlined earlier in this Section, during FY 1979, the Bureau of Education for Exceptional Children complaint procedures/intake referral system was refined. As described there, all Bureau of Education for Exceptional Children staff receiving referrals will: (1) utilize the Kentucky Child Intake Forms to obtain appropriate information; (2) submit the form to the Coordinator of Procedural Safeguards for follow-up until services have been appropriately provided or an impartial hearing is initiated.

2. Objectives:

   a. To insure that all children who are referred at the state level will be identified to the appropriate local school district and/or agency for the provision of services.

   b. To provide a mechanism for referrals where the identifying party is unaware of the responsibility and/or name of the appropriate local school district or agency.

3. Resources and Timelines:

   All Bureau of Education for Exceptional Children staff will be involved in intake procedures with the Coordinator of Procedural Safeguards responsible for follow-up. Since the procedures are already in place, efforts will be on-going for FY 80. State Funds and EHA, Part B Administrative Funds will continue to be used to carry out this activity.

4. Expected Outcomes:

   a. Intake and the provision of services to all children referred to the Bureau of Education for Exceptional Children.

   b. Provision of information to local school districts and other appropriate agencies for their immediate attention for provision of services to all children of school age, and/or for local school district maintenance of records of all handicapped children ages 0-21 for future planning.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 2 Procedural Safeguards	2.2. Continue Monitoring and Evaluation of Local School District and Other Agency Activities Relevant to Child Identification

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1. Description of Activity:

Although all local school districts and other appropriate agencies in Kentucky are currently conducting child identification activities as required, there is a need for continued monitoring of these and others' efforts to insure that such activities continue to meet all state and federal requirements. Due to the more specific documentation and data requirements to be implemented by local school districts in FY 80 through the revised Standards and refinement of the Part B application and on-site evaluation checklist (Checklist Regarding Requirements of P.L. 94-142), monitoring will be particularly important to insure that local school districts and other agencies understand and implement the refined procedures. Specific monitoring procedures are described more fully in Subsection E of this section.

2. Objectives:

   a. To insure that all local school districts and other responsible agencies conduct activities related to child identification, location, and evaluation of all handicapped children residing within their jurisdiction in accordance with state policies and procedures.

   b. To facilitate the implementation of the refined FY 80 procedures by local school districts.

   c. To identify needs of local school districts relevant to child identification activities for future planning at the local and state level.

3. Resources and Timelines:

Frankfort-based Bureau of Education for Exceptional Children staff are responsible for monitoring and conducting evaluation activities through on-site visits and document review. Although monitoring and evaluation activities are on-going, activities regarding the refined procedures (Standards and the Part B application evaluation and documentation) will be initiated during FY 80.

4. Expected Outcomes:

   a. The implementation of current policies and procedures for child identification activities by all local school districts and other responsible agencies.

   b. The implementation of refined policies and procedures by all local school districts and responsible agencies.

   c. Increased numbers of children identified, located, and evaluated in accordance with state and federal policies and procedures.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 3 Service Coordination and Communication	3.1. Media Campaign for Child Find Public Awareness - Re: Free Appropriate Public Education

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1. Description of Activity:

The Bureau of Education for Exceptional Children is planning to continue state-wide efforts of locating priority one and two children through a child find public awareness campaign. Announcement of availability and right to service will be done through radio and television coverage. Scripts and tapes prepared for Project SEEK (Serve Every Exceptional Kentuckian) will be used when possible. Project SEEK, Kentucky's original state-wide child find campaign conducted in March 1977, located approximately 350 children from those referrals made directly to the State Department of Education. In the past 18 months, many of the referrals have gone directly to the local school district, who in Kentucky, has the major responsibility for identifying, locating, and evaluating children in need of special education and/or related services. All major newspapers and television stations and radio stations will be utilized as means of educating citizens of Kentucky in mandates of P.L. 94-142 and a Free Appropriate Public Education to all exceptional children.

2. Objectives:

   a. To educate public regarding availability of Free Appropriate Public Education.

   b. To stimulate referral of unserved or inappropriately served children to local school districts in order that they (local school districts) may provide needed services.

   c. To assist local school districts in promoting public awareness.

3. Resources and Timelines:

Bureau of Education for Exceptional Children staff, including the Child Find Coordinator, will be involved in the development/dissemination of awareness media. Kentucky Department of Public Information will also be utilized in development/dissemination. The public awareness campaign will be continued through renewed efforts initiated in February of 1980. State Funds and EHA, Part B Administrative Funds will be utilized.

4. Expected Outcomes:

   a. Citizens of Kentucky will be made more aware of the availability of educational programs for handicapped children and the procedures for securing services.

   b. Local school district child find programs will be strengthened by the additional media coverage provided through the Bureau of Education for Exceptional Children.

   c. Services will be provided to more unserved or inappropriately served handicapped children.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 3 Service Coordination and Communication	3.3. Continue Implementation of Project KIK and Development and Dissemination of a Screening Instrument Based on the LAP-D

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1. Description of Activity:

   The Bureau of Education for Exceptional Children will continue to provide training and technical assistance to participating KIK (Kentucky's Individualized Kindergartens) programs through the Preschool Incentive Grant which is targeted at identification activities related to in-school children at the kindergarten level. Through this grant, a state-wide identification project was implemented for the school year 1978-79 to assist in the early identification of and individualized programming for public school kindergarten children who demonstrate "high risk" characteristics and who may have been in need of special education and/or related services.

   This project will be continued during the 1979-80 school year. Training and technical assistance will be delivered upon request.

2. Objectives:

   The major goal of the Preschool Incentive Grant project was to implement individualized educational programs for public school kindergarten children with special needs and to establish an ongoing system for the state-wide identification of "high risk" public kindergarten children who may be in need of special education and/or related services. The following objectives were operationalized to realize this goal:

   a. To promote the awareness of and support for a program to meet the need for the state-wide identification of "high risk" public kindergarten children who may be in need of special education and/or related services among the 181 local school districts in Kentucky.

   b. To develop a nucleus of trained kindergarten teachers and other local school district personnel to identify and provide for "high risk" kindergarten children. Training includes instruction in the use of the Learning Accomplishment Profile - Diagnostic Edition (LAP-D).

   c. To provide a functional assessment which: (1) generates an individual prescriptive plan for each "high risk" kindergarten child enrolled in public school; and (2) serves as a basis of referral for further diagnostic evaluation.

d. To provide the Kentucky School for the Deaf with functional assessment data to further appraise children and write Individual Education Programs and, based on further diagnostic evaluation, to plan more efficiently and effectively for direct services for "high risk" children.

e. To analyze assessment results from local school districts to generate demographic/and program planning data which reflect regional and state norms.

f. To evaluate the impact of assessing kindergarten children in identifying those with high risk characteristics. Post intervention assessments are conducted with each "high risk" child to document changes. Additional evaluation components include: parental satisfaction, parental involvement, and parental projection of child progress.

g. To extend the knowledge of parents of handicapped children as to the family's rights and responsibilities regarding P.L. 94-142.

3. Resources and Timelines:

Bureau of Education for Exceptional Children staff, Chapel Hill staff, and Bureau of Instruction staff will assist local school districts in continued maintenance of Project KIK. This will be an ongoing activity. It will be funded through Preschool Incentive Grant funds, EHA Part B Administrative funds, and state funds.

4. Expected Outcomes:

a. The development or design of a procedure for early detection of high risk kindergarten children will result in the provision of a free appropriate public education being provided at a critical time in the child's development.

b. Increased numbers of five-year old handicapped children will be identified, located, evaluated, and served. All children who are screened at the kindergarten level will benefit from the assessment data. Direct special education referral and program services will result for approximately 4,660 of the 62,000 children enrolled in Kentucky public school kindergarten programs.

c. A state-wide assessment program should provide a consistent, manageable solution to random and/or fragmented efforts at early identification.

d. All resulting data from the assessment procedure will provide service and program data to the State Department of Education and to local school districts, facilitating planning activities at both levels.

e. Local school district kindergarten teachers and appropriate administators will receive training and technical assistance in the use of the assessment instrument, the Learning Accomplishment Profile - Diagnostic Edition (LAP-D).

f. Results from the LAP-D and other appropriate diagnostic data will be shared with the parents of those students identified as high risk for further program planning and Individual Education Program Development, where appropriate.

g. General program awareness and a recognized need for specialized training for both public school kindergarten teachers and local school district administrators in evaluation procedures and Individual Education Program development will be a positive benefit.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 4 Related Access Systems	4.1. Develop a Child Find Manual for Local School Districts

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1. Description of Activity:

Based on a review of exemplary public awareness and child find model systems currently in use across the nation, a Child Find Manual of comprehensive strategies appropriate to Kentucky will be developed. This manual will contain: (1) comprehensive information for planning a child identification program covering ages 0-21; (2) references to all existing policies and procedures relevant to child identification (also discussed in A: Planning and Policy Development); and (3) practical suggestions for implementing and documenting all efforts. The manual is targeted for local child find coordinators and other personnel responsible for planning and conducting child find activities.

2. Objectives:

   a. To provide the outline for a comprehensive local child identification program and a variety of alternatives for implementing such a program.

   b. To promote renewed and comprehensive local efforts on identifying, locating, and evaluating all handicapped children ages 0-21.

3. Resources and Timelines:

Bureau of Education for Exceptional Children staff, including the Child Identification Committee, will be involved in the development of the manual. It is expected that the development will be initiated upon the hiring of the Bureau of Education for Exceptional Children Child Find Coordinator and that the manual will be ready for dissemination by summer 1980. State Funds (staff time) and EHA, Part B Administrative Funds will be used.

4. Expected Outcomes:

   a. The development of a Child Find Manual targeted to local child find coordinators.

   b. The specification of a strategy for disseminating the manual and providing training in its use during FY 81 as part of the three-year plan for child identification efforts.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 4 Related Access Systems	4.2. Dissemination of Public Awareness Pamphlets and Other Child Identification Materials

1. Description of Acitvity:

   Materials addressing child identification as outlined in Section 121a.128 of the Regulations for P.L. 94-142 are being prepared for dissemination.

2. Objectives:

   a. To make the public more aware of the educational rights of handicapped children.

   b. To assist the public in making referrals and requesting appropriate requests for services for handicapped children.

3. Resources and Timelines:

   Bureau of Education for Exceptional Children staff with the new Child Identification consultant will be responsible for the dissemination of public awareness materials. This activity will be ongoing. Funds used include 1% of EHA, Part B State Share-Discretionary Grant for FY 79 and FY 80 EHA, Part B Administrative Funds.

4. Expected Outcomes:

   a. Insure better understanding of rights of handicapped children to general public.

   b. Assist local school districts in articulating message of appropriate service delivery systems for handicapped children.

   c. Create better understanding between parents of handicapped children and the local school districts.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 4 Related Access Systems	4.3. Disseminate KIK Model for Kindergarten Programs

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1. Description of Activity:

There is a need in Kentucky to expand identification, evaluation, and program services to handicapped public school kindergarten children consistent with the mandates of Public Law 94-142 and compatible with those services provided to handicapped children in grades 1 through 12. Additionally, there is a need to further extend the knowledge and involvement of parents of kindergarten age handicapped children as addressed in Public Law 94-142.

In school year 1978-79, the Preschool Incentive Grant (Project KIK) trained local school district personnel to identify children who may be in need of individualized assistance, special instruction, or curriculum materials for maintenance and/or programming within the regular classroom setting. Assuming these kindergarten personnel have skills for assessing children and individualizing instruction as provided by Project KIK, Fiscal Year 1979 Preschool Incentive Grant monies are proposed to be used for: 1) establishing seven demonstration units for handicapped children; 2) providing technical assistance in maintaining the existing system and further developing quality programming; 3) providing leadership to coordinate these programs; and 4) developing awareness to local eudcation agencies through best practices/best products dissemination.

2. Objectives:

The goal of this project is:

To stimulate early childhood education for handicapped children through the continuance of Project KIK and the establishment of model classrooms for handicapped five year old children in public school kindergarten settings.

The project objectives include:

a. To promote the awareness of and support for a program to meet the need for state-wide identification and program services to handicapped kindergarten children who may be in need of special education and/or related services.

b. To secure the professional services of a specialist in preschool education for handicapped children. This person would serve as:

a) a consultant in the Bureau of Education for Exceptional Children to provide training and technical assistance to local school districts and other public and private agencies as appropriate; and b) director of Project KIK.

c. To develop a nucleus of alternative education classrooms to demonstrate the efficacy of integrating young handicapped children into public school kindergartens.

d. To assist appropriate local school district personnel in proper referral methods for those pupils suspected to be in need of special education services.

e. To provide direct resource services to local school district kindergarten children who have been determined to be in need of special education and/or related services.

f. To provide intensive support to appropriate local school district personnel who have been selected.

g. To provide further knowledge to parents of handicapped kindergarten children relative to P.L. 94-142.

h. To stimulate state-wide awareness of Full Educational Opportunities Goal and the generation of innovative practices using model sites and their products to demonstrate acceptable methods of referring, individualizing curriculum, and working with parents of handicapped kindergarten children.

3. Timelines and Resources:

Bureau of Education for Exceptional Children and Chapel Hill Training Outreach Project will coordinate with the Bureau of Instruction, Kentucky Department of Education, to implement Phase II of Project KIK. It will run July 1, 1979 to June 30, 1980. FY 79 Preschool Incentive Grant Funds and FY 80 EHA, Part B Administrative Funds (staff time) will be used.

4. Expected Outcomes:

a. The development or design of a procedure for early identification of handicapped kindergarten children and the provision of direct and support education services will result in a free appropriate public education being provided at a critical stage in the child's development. Early identification is a valid educational strategy and will compliment and facilitate the 181 local school districts in Kentucky in achieving the goals of free appropriate public education for all handicapped children.

b. The delivery of direct special educational services to handicapped children through the establishment of seven model sites.

c. The establishment of seven (7) model classrooms to be located throughout Kentucky which will provide an alternative to the isolation of the traditional self-contained special education class and its problems such as:

    1. magnifying differences;
    2. absence of appropriate peer models;
    3. lack of challenge to develop compensitory behavior; and
    4. lack of opportunity for "normal" children to develop understanding and concern for all children regardless of individual differences.

d. Kindergarten children who are experiencing failure and need prescriptive intervention programs can be provided a successful school experience. The result will be reduced frustration and improvement of self-concepts and foster appropriate behavior. Early intervention can prevent the compounding of feelings of failure and inadequacy in the child with low skills.

e. Intensive involvement and training of the regular kindergarten teacher will insure a heightened awareness of valid special education techniques and a coordinated effort resulting in the provision of a free appropriate public education in the least restrictive environment for handicapped kindergarten children.

f. General increased awareness and recognition of the need for specialized training in evaluation procedures and Individual Education Program Development for local school district personnel and administrators will be a positive benefit.

g. The expansion of services to both the local school district and state education agencies will be consistent with the Full Educational Opportunities Goal.

h. The number of handicapped children identified and served by the public school systems throughout Kentucky will be increased. As full kindergarten services may generate as many as 7,440 handicapped children, local school districts will require special support and expertise in providing appropriate programs within the existing service delivery systems. The model classrooms will generate solutions, provide innovative practices, demonstrate efficacy of alternative programming, and stimulate best practices/product sharing.

i. More parental involvement will occur as a result of the provision of adequate public relations and responsibilities relative to P.L. 94-142.

j. Efforts of the current Preschool Incentive Grant will be sustained and goals and objectives specified in that proposal will become an on-going part of Kentucky's kindergarten efforts.

k. Inter-agency/intra-agency cooperation will be continued and expanded. The Bureau of Education for Exceptional Children and the Bureau of Instruction within the Kentucky Department of Education have enjoyed a fruitful collaboration during the first year of Project KIK and will continue to work cooperatively during the second year of Project KIK. The Kentucky Department for Human Resources, Head Start, and other agencies cooperating in the first year of Project KIK have indicated continuing support. Project KIK has been reviewed by the Kentucky Department of Education and Department for Human Resources Task Force and included as a critical link in an interagency referral system directed toward child identification/referral.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 5 Personnel Training and Development	5.1. Provide Training and Technical Assistance to Local Child Find Coordinators

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1. Description of Activity:

The Bureau of Education for Exceptional Children, both Frankfort-based and Field Service Consultants, will provide training/technical assistance/staff development in regard to child identification activities for local school district Child Find Coordinators and other appropriate agencies to develop a highly responsive child identification system designed to identify, locate, and evaluate both out-of-school and in-school children in need of special education and related services.

Technical assistance is provided to local school districts and other appropriate agencies in response to comprehensive visits, Part B visits, and other Bureau of Education for Exceptional Children activities regarding compliance areas, including identification, location, evaluation, and placement.

2. Objectives:

To assist local school district personnel in the full implementation of child identification requirements (Section 121a.128) of Public Law 94-142.

3. Resources and Timelines:

Bureau of Education for Exceptional Children staff, including the Child Identification Consultant, will be responsible for providing training and technical assistance. This is an ongoing activity. State funds (staff time) and EHA, Part B Administrative Funds will be used.

4. Expected Outcomes:

a. Increased number of persons trained through Bureau of Education for Exceptional Children training and technical assistance activities.

b. Increased number of children identified, located, and provided services as a direct result of Bureau of Education for Exceptional Children in-district training and technical assistance.

c. Increased public awareness efforts on the part of the local school districts to identify, locate, and provide services for handicapped children.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 5 Personnel Training and Development	5.2. Support and Provide Technical Assistance to Advocacy and Other Groups Conducting Child Identification Activities

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1. Description of Activity:

   The Bureau of Education for Exceptional Children plans to interface child identification efforts with advocacy, service, and professional groups and parent training activities. Any information on Child Find/ Public Awareness will be disseminated to those persons and agencies.

2. Objectives:

   To establish a Child Identification Network consisting of advocacy, service, and professional groups.

3. Resources and Timelines:

   Bureau of Education for Exceptional Children staff including child identification specialist will be used to conduct this activity. This is an ongoing activity. EHA, Part B Administrative Funds, State Funds (staff time), and EHA, Part D funds will be used to finance this activity.

4. Expected Outcomes:

   Greater involvement of advocacy, service, and professional groups and increased parent training regarding child identification will occur throughout the Commonwealth.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 5 Personnel Training and Development	5.3. Conduct Needs Assessment for Child Find Training Priorities in Local School Districts

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1. Description of Activity:

   Child Identification needs assessment data will be collected according to the methods outlined in Section X of this plan. The Bureau of Education for Exceptional Children will examine needs assessment results to determine priorities for training and technical assistance to local school district and other agency personnel.

2. Objectives:

   To prioritize results of state needs assessment to determine priorities for training and technical assistance to local school district and other agency personnel.

3. Resources and Timelines:

   EHA, Part B Administrative Funds and EHA, Part D Funds will be used to implement this activity. This activity will be conducted in September 1979.

4. Expected Outcomes:

   State training and technical assistance activities will be prioritized and services will be planned to meet the needs identified.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 5 Personnel Training and Development	5.4. Disseminate Best Practices Via Technical Assistance, Training, and Materials

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1. Description of Activity:

In response to comprehenisve evaluation visits, Part B visits, and other Bureau of Education for Exceptional Children monitoring activities, local school districts and other agencies may have on-the-spot questions or may request further technical assistance in regard to child identification activities. As part of an on-going system, Bureau of Education for Exceptional Children will continue to provide this assistance to encourage districts to further refine their efforts to implement highly responsive child identification systems. Technical assistance activities include information and materials provided to local school districts, state operated programs, parents and other advocacy groups, and staff of Department for Human Resources.

It is anticipated that there will be an increase in requests for technical assistance and training as the refined procedures on child identification activities are disseminated (Standards and Part B application evaluation and document review). Therefore, a plan for systematic training of local child find coordinators and other appropriate personnel will be outlined and implemented to meet this demand.

2. Objectives:

   a. To promote public awareness and other comprehenisve child identification efforts by local school districts and other agencies responsible for identification, location, and evaluation of handicapped children.

   b. To insure that local child find efforts are planned and conducted in accordance with state and federal policies and procedures relevant to those efforts.

   c. To identify child identification needs of local school districts for planning personnel training and development activities by the Bureau of Education for Exceptional Children.

3. Resources and Timelines:

Bureau of Education for Exceptional Children staff, both Frankfort-based and Field Service Consultants, will be involved in technical assistance to local school districts and other agencies on child find activities. These efforts are ongoing and will be continued throughout FY 80. Pending the approval of Standards and the hiring of the Bureau of Education for Exceptional Children Child Find Coordinator, systematic training procedures for local child find coordinators will be planned and initiated for FY 80-81.

4. Expected Outcomes:

   a. Increased public awareness and child identification activities by local school districts conducted in compliance with state and federal policies and procedures.

   b. Ongoing Bureau of Education for Exceptional Children training activities on child identification activities as requested by local school districts and other agencies.

   c. An increase in numbers of handicapped children ages 0-21 who are identified, located, and evaluated in Kentucky.

   d. The development and initiation of a comprehensive and systematic program for training local child find coordinators.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 6 Management and Evaluation	6.1. Conduct Needs Assessment Relevant to Ongoing Child Find Efforts

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1. Description of Activity:

Child Identification needs assessment data will be collected according to the methods outlined in Section X. The Bureau of Education for Exceptional Children will examine needs assessment data results to determine local school district needs regarding child find.

2. Objectives:

To generate concise categories of Child Find information/training/technical assistance needs throughout the state and to address those needs from Bureau of Education for Exceptional Children.

3. Resources and Timelines:

This will require EHA, Part B Administrative Funds and EHA, Part D Funds. It will be done in September, 1979, and will be ongoing. Bureau of Education for Exceptional Children staff will be used to conduct the needs assessment.

4. Expected Outcomes:

Local school districts will be able to receive needed child find information/training/technical assistance within a logical service delivery framework.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 6 Management and Evaluation	6.2. Identify Resource-Deficient Regions for Intensified Assistance

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1. Description of Activity:

   As part of the development of the three-year plan for child identification activities, data accumulated through Bureau of Education for Exceptional Children monitoring activities (described in Subsection E of this section) and local needs assessment data will be reviewed specifically for current resources available and in use for local child identification efforts. Based on this review, it is anticipated that certain districts, particularly in rural areas, may not have available the necessary resources for fully implementing a comprehensive plan for identifying, locating, and evaluating all handicapped children ages 0-21. Such areas and needed resources will be identified, and a system will be developed for providing intensified assistance in obtaining or developing those needed resources.

2. Objectives:

   a. To facilitate the implementation of local efforts to identify, locate, and evaluate all handicapped children ages 0-21.

   b. To improve state-wide efforts for planning and coordinating child identification efforts designed to identify, locate, and evaluate the projected incidence of 12% of all children ages 0-21.

3. Resources and Timelines:

   Bureau of Education for Exceptional Children staff, including the Child Find Coordinator, will be involved in identifying needed resources and strategies for obtaining those resources. Other governmental and private agencies will be included in planning strategies for obtaining resources, based on those identified. It is anticipated that these efforts will be initiated in Winter, 1979 and that the system for providing intensified assistance will be included as part of the three-year plan to be submitted to the Bureau of Education for the Handicapped in the FY 1981 Annual Program Plan. EHA, Part B Administrative Funds will be used.

4. Expected Outcomes:

   a. The development of a system for providing intensified assistance to resource-deficient areas for fully implementing child identification activities.

   b. Increased interagency cooperation in resource-deficient areas in respect to identification, location, and evaluation of handicapped children ages 0-21.

Projected Services for FY 80
Child Identification

Support Processes:	Activity:
Item 6 Management and Evaluation	6.3. Initiate Planning for Computerized Child Find as Part of the State-Wide Child Tracking System

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1. Description of Activity:

Although there are currently mechanisms for hand-tabulating data to determine the number of children who are currently receiving special education and related services and those who are not (described in Subsection E of this section), a state-wide computerized child tracking system is being planned to facilitate data analysis for monitoring and future planning. A pilot test program is being developed to assess the capabilities of the prototype child tracking system for the Bureau of Education for Exceptional Children and to determine needed refinements. Five school districts are to be identified for use of the pilot test system which is planned to be initiated in school year 1979-80. In addition, during FY 79, a common data element dictionary for standardized data input is to be developed to address data common needs for the Kentucky Department of Education.

2. Objectives:

   a. To facilitate state-wide monitoring and planning through a computerized system.

   b. To develop greater capacity for utilizing chil data provided to the Bureau of Education for Exceptional Children.

3. Resources and Timelines:

Timelines are described above (see 1. Description of Activity). Fiscal resources are both EHA, Part B Administrative funds and state funds.

4. Expected Outcomes:

   a. The initiation of a pilot test system in five school districts as a prototype computerized child tracking system.

   b. Identification of needed refinements to expand the pilot test system to other school districts.

   c. The development of a timeline for operationalizing a state-wide computerized child tracking system.

Subsection E. MONITORING

Policies and procedures under Section 121a.128 of the Regulations for P.L. 94-142 "will be monitored to insure the State educational agency obtains:

i) the number of handicapped children within each disability category that have been identified, located, and evaluated; and

ii) information adequate to evaluate the effectiveness of those policies and procedures."

1. General fiscal and program monitoring of local school districts will occur through:

   a. The approval of local school district EHA, Part B Application, Section III, Child Identification procedures (Appendix II).

   b. Evaluation of local school district child find system during comprehensive team and EHA, Part B on-site visitations.

   c. A review of the Annual Report required by the Bureau of Education for Exceptional Children. This is the official accounting of children served by the local school districts in exceptional children classroom units under the Minimum Foundation Program. This form designates certification of teacher, type of program unit (self-contained, resource room, itinerant, etc.), number and ages of children, category of disability, and where the unit is housed. This report is submitted each year by October 15.

   d. Compilation of Child Count data as required by P.L. 94-142, taken each December 1 and submitted to the Department of Education, Disivion of Pupil Accounting. The Child Count data is cross-checked with the above Bureau of Education for Exceptional Children Annual Report Form, information gathered as a result of on-site visitations, Full Education Service information and other child identification procedures as they appear in the EHA, Part B application for discrepancies and possible errors prior to the annual submission to the Bureau of Education for the Handicapped/ U.S. Office of Education.

2. Private Organization/Agency monitoring will occur in the event the private organization initiates program approval from the Bureau of Education for Exceptional Children. Any activities generated by that private organization/agency will be subject to the same child identification requirements as the local school districts i.e.: confidentiality, due process, ongoing assessment, appropriate program placement. After approval of program is established, the responsibility for continued monitoring activities rests with the local school district contracting for services.

3. State Operated Programs will be monitored through:

   a. A team including categorical program and support staff from the Bureau of Education for Exceptional Children conducts visits to Kentucky School for the Deaf and Kentucky School for the Blind in order to assure appropriate procedures are implemented and ongoing.

   b. State operated programs under the Department for Human Resources are monitored and provided assistance in order to assure ongoing implementation of appropriate procedures by the joint teams established by the Kentucky Department of Education and the Department for Human Resources.

4. Individual child monitoring will occur through:

   a. Documentation of the follow-up provided with appropriate evaluation and placement of children referred through PROJECT SEEK/complaint procedures and the interagency communications network.

   b. Each local school district is charged with the responsibility for fulfilling requirements of Kentucky House Bill 579, "Educational Improvement Act" (Appendix II). which by law requires testing of all public school children in the third, fifth, seventh, and tenth grades to determine competencies in basic skill areas and to determine needs for remedial (or special) programs. Each local school district will address this in its annual Educational Improvement Plan.

Subsection F. DATA TABULATION ANALYSIS

1. Effectiveness of the procedures as described in Subsection E above will be determined by:

   a. Increase in numbers of exceptional children being identified and provided education and related services;

b. An increase in local school district programs for exceptional children;

c. Movement of educational placements of handicapped children from more restrictive to less restrictive environments as determined by individual needs; and

d. Flexibility in actual delivery of education and related services for handicapped children throughout the Commonwealth.

2. Data tabulation and analysis relevant to individual children currently receiving special education and related services and to children not receiving special education and related services will be addressed with the implementation of the Kentucky Child Tracking system. This system is currently being planned by the Bureau of Education for Exceptional Children in conjunction with other appropriate Kentucky Department of Education personnel and consultants.

Until the tracking system is fully operational, those children receiving services and those children not receiving services will be tabulated manually using data now provided by local school districts as described in Subsection E above.

VI. INDIVIDUALIZED EDUCATION PROGRAM (612(4))

Section 612(4) of the Act states that in order to qualify for assistance under Part B, the State must demonstrate that "each local education agency in the State will maintain records of the individualized education program for each handicapped child, and such program shall be established, reviewed and revised as provided in Section 614(a)(6)".

Section 614(a)(5) states that a local education agency or an intermediate education unit must submit an application for funds to the State education agency. The application shall "provide assurances that the local education agency or intermediate educatinal unit will establish, or revies, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and will then review and, if appropriate, revise its provisions periodically but not less than annually".

Statutes, policies and standards on Individual Education Programs (IEP's) are hereby incorporated by reference from the Fiscal Year 1979 Annual Program Plan. To assist the public in its review of this current year's plan, the following policies and procedures from the Fiscal Year 1979 plan are quoted below. Appendix citations refer to appendixes which accompanied the Fiscal Year 1979 plan rather than the appendixes which accompany this plan. An addition is made to this section to clarify the state requirement in regard to individual education programs for exceptional children enrolled in parochial or other private schools. This clarification appears at the end of this section under the heading, Fiscal Year 1980 Requirements.

Section Incorporated by Reference From the FY 1979 Plan

"A. 1. In Kentucky, each public agency responsible for providing special education and related services to exceptional children is responsible for developing, implementing, reviewing and revising, at least annually, Individual Education Programs on all exceptional children within its jurisdiction and for maintaining records of the Individual Education Programs. This responsibility is clearly established through the following:

(1) 707 KAR 1:051 (Appendix III) which establishes this responsibility for local school districts in regard to exceptional children within its jurisdiction who are referred to and placed in programs operated by private organizations and other public agencies (such as Kentucky School for the Deaf, Kentucky School for the Blind, and so forth);

(2) 707 KAR 1:070 (Appendix III) which states, in part, that for all exceptional children provided an educational program either by a private organization with which a local school district contracts or by a public agency other than a local school district, that such a program will be provided in conformance with the child's Individual Education Program and at no cost to the parents, that the program shall meet standards that apply to state and local education agencies and that all exceptional children ages 3 through 21 educated in such programs are afforded all of the rights and protections of children served by a local school district; and

(3) The Kentucky Department of Education-Department for Human Resources joint memorandums of agreement and policy statement (Appendix IV) which reinforce 707 KAR 1:070 by insuring that all children in Department for Human Resources facilities and programs are afforded all of the rights and protections of Public Law 93-380 as amended by Public Law 94-142 and Kentucky Administrative Regulations relating to educational programs for exceptional children.

2. Individual Education Programs (IEP) are addressed in the Kentucky Administrative Regulations (Appendix III) as a function of the Admissions and Release Committees (ARC). 707 KAR 1:051, Section 3 provides:

> '(2) Admissions and Release Committees. Local school district personnel shall establish one (1) district-wide Administrative Admissions and Release Committee and a School-Based Admissions and Release Committee in each school with appropriate membership and functions. . .'

The functions of these committees are primarily the same. The committees are responsible for the gathering of assessment information on the child and development of the IEP in conjunction with the parent. The major differentiation between these committees is the population whom they serve. This population is identified in 707 KAR 1:051, Section 3, Subsections (2) (a) and (4) (a) (Appendix III) and in the publication, Procedures for Identification, Evaluation and Placement of Exceptional Children (Appendix IX). This latter document states:

> 'The AARC receives referrals on children who are not currently enrolled in school, children who are enrolled in private schools and children who are enrolled in public schools outside the local school district. They may also receive referrals on children for whom a local School-Based Admissions and Release Committee could not reach agreement regarding an appropriate education program. The School-Based Admissions and Release Committee receives referrals on children enrolled in that particular school'.

In addition, 707 KAR 1:051, Section 3, Subsection (7) for a sub-district Admissions and Release Committee as follows:

> 'For those school districts with a school census figure of 15,000 or over, sub-district admissions and release committees (ARCs) may be established within the local school district to facilitate school to school placements. The sub-district ARCs shall not supplant Administrative and School-Based Admissions and Release Committees and their respective functions. Sub-district ARCs shall be established to conform with district-specified school groupings. These groupings may be organized either by instructional level or school clusters. Those local school districts wishing to establish sub-district ARCs shall submit a written request to and receive approval from the Bureau of Education for Exceptional Children prior to implementation of the plan. The following components shall be considered by the Bureau of Education for Exceptional Children in granting approval for such plan: Rationale for need of the sub-district ARCs; and, detailed description of the plan, including organizational patterns, and specific functions of the committees. . .'
>
> '(b) The Functions of Sub-district committees shall be similar to the functions of the Administrative Admissions and Release committee with the following exception: For those pupils recommended to receive services outside the area served by a sub-district ARC or outside the local school district's programs, the sub-district ARC shall be responsible for referring the child to the AARC.'

3. Through the admission and release committees, local school districts are required to maintain, review and revise IEPs for handicapped children who are residents of the district.

As provided in 707 KAR 1:051, Section 3, Subsections (2) and (4), both the School-Based and Administrative Admissions and Release Committee are responsible for carrying out the following functions:

> 'Follow due process procedures to insure that exceptional children and their parent(s) are guaranteed procedural safeguards in decisions regarding identification, evaluation and educational placement.
>
> Assure that appropriate evaluations on referred children are obtained or conducted.
>
> Discuss written results of the formal and informal evaluations.
>
> Make recommendations as to appropriate services and/or programs for the identified child. These recommendations shall be in the form of an Individual Education Program (IEP)'.

Through these provisions, the local choll district is responsible for receiving referrals for special education and related services on all exceptional children within its jurisdiction and for providing services as specified on the Individual Education Program developed by the appropriate admissions and release committee.

4. The requirement that Individual Education Programs be implemented as soon as possible is met through 707 KAR 1:051 which establishes the responsibility of the appropriate admissions and release committee for insuring that the Individual Education Program is implemented for each child. This includes insuring that the date on which services are initiated is consistent with the date identified on the Individual Education Program. 707 KAR 1:051, Section 5(2) identifies the admissions and release committee's responsibilities for implementation and evaluation of Individual Education Programs as follows:

'(2) Implementation and evaluation. The appropriate admissions and release committee shall be responsible for assuring that strategies and activities designed to meet short-term objectives are implemented, and that child progress toward and mastery of the short-term objectives is evaluated at least annually.

(a) For each short term objective specified on the IEP, the appropriate admissions and release committees shall assign a specific person(s) who shall be responsible for determining and implementing appropriate strategies and activities that will assist the child in achieving the specified objectives and goals.

(b) The implementor(s) shall maintain records of student progress in achieving short term objectives.

(c) The above records shall be utilized by the implementor and the appropriate admissions and release committee for on-going evaluation of the IEP to determine the effectiveness and appropriateness of the IEP and to document implementation of the IEP.'

In addition, through 707 KAR 1:060 and the Due Process Policy and Procedure Manual, the following requirements are established:

'4. The public agency shall insure that Individual Education Programs (IEPs) are developed, implemented, reviewed, revised, at least anually and maintained for exceptional children for whom the public agency has the responsibility of providing a free appropriate public education and related services. The public agency shall insure that an IEP is in effect before special education and related services are provided to a child, that an IEP is developed and/or revised at least annually and is on record by the beginning of each school year, that the IEP is implemented as soon as possible following the admissions and release committee meeting, and that parents receive a copy of the IEP upon request.'

5. Responsibility for review of the IEP is defined as follows:

'At least annually, review the pupil's IEP and review the placement of each exceptional child in the school in relation to his or her educational progress in that setting to determine:

a. continuation of current education placement,

b. change in educational placement, or

c. that special education and related services are no longer needed.' (707 KAR 1:051, Section 3, Subsection (4) (f)

Similarly, through 707 KAR 1:051, Section 3, Subsection (2) (f), the Administrative Admissions and Release Committee (AARC) is designated with the following responsibilities in regard to review of the IEP for those children placed in a public or private agency by the local school district.

> 'Participation in meetings called by the receiving agency for the purpose of review and revision of the IEP; at least annually, review the exceptional child's IEP and review the placement of each exceptional child receiving services outside the local school district in relation to this educational progress in that setting; and, insuring that the child and parent(s) are afforded all rights and protections as required and provided in 707 KAR 1:051, Section 9, and 707 KAR 1:060.'

Lastly, 707 KAR 1:051, Section 3, Subsection (5) provides:

> 'If at any time during the school year, the child's education placement appears to be inappropriate to the parent(s), the principal, the teacher(s), or specialist(s) providing services to the child, any one of such persons may request a review of placement. The appropriate admissions and release committee shall conduct the review. The child, parent(s) and local school district shall be afforded all due process rights as described in 707 KAR 1:060.'

Additional timelines regarding the development and revision of the IEP are established under 707 KAR 1:060 in the Due Process Policy and Procedure Manual (Appendix VII). These timelines include the following:

> ''Within thirty (30) days of the completion of evaluation procedures through which it is determined that the child meets the eligibility requirements for possible placement in special education and related services, the admissions and release committee process shall take place. The admissions and release committee process shall include sharing of the results of evaluations, development of an Individual Education Program, and a recommendation for placement.'

This thirty (30) day timeline refers to the entire admissions and release committee process. Therefore, if a child's referral is reviewed by both the School-Based Admissions and Release Committee and the Administrative Admissions and Release Committee, this total process must occur within 30 days.

6. Membership on the Administrative Admissions and Release Committee, sub-district Admissions and Release Committees, and the School-Based Admissions and Release Committees is established in 707 KAR 1:051, Section 3. This regulation provides:

   '(1) Administrative Admissions and Release Committee. The membership fo the Administrative Admissions and Release Committee (AARC) shall consist of:

   (a) Director, local school district program for exceptional children or person having such responsibility, Chairperson (permanent member);

   (b) Local school district superintendent or his designee (permanent member);

   (c) Referred pupil's principal and teacher (if the child is enrolled in public or private school);

   (d) Involved instructional supervisor depending on the age and level of the child;

   (e) The parent(s) of the referred child;

   (f) The referred child, where appropriate;

   (g) Personnel responsible for providing evaluation information;

   (h) Other members as requested by the AARC.'

   '(a) The membership of sub-district ARCs shall consist of:

   1. Local school district administrative staff member, designated by the superintendent, Chairperson((permanent member);

2. Person(s) qualified to provide or supervise the provision of special education programs;

3. Person(s) qualified to provide or supervise the provision of instruction for the age level of the referred child;

4. Referred child's principal and teacher;

5. Parent(s) of the referred child;

6. Referred child, where appropriate;

7. Personnel responsible for providing evaluation information;

8. Other members as requested by such committees.'

'(3) School-Based Admissions and Release Committee (SBARC). The membership of the School-Based Admissions and Release Committee shall consist of:

(a) Chairperson, Building Principal or designee. The designee shall be recommended by the building superintendent and approved by the local school superintendent. This person shall not be a regular or special education teacher (permanent member);

(b) Referring teacher(s);

(c) Teacher(s) of exceptional children;

(d) Parent(s) of the referred pupil;

(e) The referred child, where appropriate

(f) Personnel responsible for providing evaluation information;

(g) Other members providing input into the referred pupil's educational program as requested by the School-Based Admissions and Release Committee.'

The requirement for including on the membership of these committees "other members" as requested by the appropriate committee is the provision of 707 KAR 1:051 which insures that other individuals at the discretion of the parent or agency must be included. As identified in the requirements cited above, both the parent and agency personnel make up these committees. Therefore, both the parent and the agency (the committee) have the right to have present at committee meetings other individuals at their discretion.

An additional point of clarification in regard to committee membership is as follows. The requirement that "personnel responsible for providing evaluation information" be members of the respective committees provides assurance that the committee will include a representative of the public agency knowledgeable about the evaluation used and the results both in the case of a child evaluated for the first time and for subsequent evaluations such as those associated with IEP review and revision. Standards pursuant to 707 KAR 1:051 will include clarification related to this point.

7. Parent participation in the Admissions and Release Committee is addressed in both 707 KAR 1:051 and 707 KAR 1:060 through the Due Process Policy and Procedure Manual (Appendixes III and VII). This manual requires the following:

> 'Parents shall receive written notice regarding the admissions and release committee meeting. The parents shall be notified early enough to insure that they are given an opportunity to attend. This notice shall include:
>
> 1. State purpose of the meeting.
>
> 2. Suggested time and location of the meeting (at a mutually agreed upon time and place to enhance parent participation).
>
> 3. Listing of those who will be in attendance at the meeting. In addition to the admissions and release committee membership required in 707 KAR 1:051, the public agency must also provide interpreters if such action is necessary to insure that the parents understand the meeting.

4. Information that the parent(s) may bring other people to the meeting. If the parent(s) do not attend the meeting, the public agency shall use other methods to insure parent participation, including individual or conference telephone calls. The public agency shall maintain written records of their attempts to involve the parents in the meeting.'

As provided in this manual, requirements regarding this notice also include:

> 'A parent(s) shall receive written notification in English and the primary language of the home a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate education to the child. This includes both those parents who choose to participate in an admissions and release committee and those who do not. Such notice shall be written in common, understandable language. If the primary language of the home is not written, the public agency shall take steps to assure translation of the notice into the primary language of the home. The public agency shall also assure that the parent(s) understand the notice and that there is written evidence to this effect.'

8. 707 KAR 1:051, Section 5, establishes the components required for an IEP.

'(1) Development. The Individual Education Program shall include but not be limited to the following components:

(a) Present level of educational/behavioral performance including a written summary of strengths and weaknesses.

(b) Annual goals based on child's current level of functioning.

(c) Short term instructional objectives for each of the annual goals. Short term instructional objectives refers to measurable intermediate steps between the present level of educational/behavioral performance and the specified annual goals. These objectives are identified for the purpose of periodically reviewing and evaluating pupil progress toward meeting the annual goal(s) specified on the IEP.

(d) Specific special educational and related services needed to meet the specified goals and objectives.

(e) Extent to which the child will participate in the regular education program.

(f) Projected dates for initiation of specified educational and related services.

(g) Anticipated duration of the specified special education and related services.

(h) Appropriate objective criteria and evaluation procedures, and

(i) Schedule for determining, at least on an annual basis, whether the goals and objectives are being achieved.'

9. 707 KAR 1:051, Section 3, Subsection (2) (e), addresses the placement of exceptional children in private schools by local school districts in the following manner:

> 'In those cases where the local school district has determined that appropriate special education and related services cannot be provided through existing programs in the local school district, services shall be provided to the identified child pursuant to the following:
>
> 1. Local school district referral of an exceptional child to a public or private agency. The Administrative Admissions and Release Committee shall:
>
> (a) Contact a public agency or approved private agency/organization as provided in 707 KAR 1:070, which provides the type of services specified on the child's IEP regarding the possible referral of the child to the agency.
>
> (b) Insure that a representative(s) of the receiving agency shall participate in a meeting(s) with the AARC regarding the possible referral.

Participation may be provided through attendance at meetings, written communications, and/or individual or conference calls. Receiving agency means an approved agency/organization which has indicated a willingness to provide the services requested by the local school district.

(c) In collaboration with representative(s) of the receiving agency, review and revise, where appropriate, the child's IEP.

(d) In collaboration with representative(s) of the receiving agency, determine if such agency is the appropriate agency to provide the specified services. If the agency is an appropriate one, such agency assumes responsibility for implementing the provisions of the special education and related services specified on the IEP.

(e) The local school district shall be responsible for providing continued educational services to the child until such time as the child enters the programs provided by the receiving agency.

2. Placement of an exceptional child in a public or private agency:

(e) Private agency/organization (as defined in 707 KAR 1:070) the private agency shall provide those special education and related services specified on the child's IEP. At the discretion of the local school district, the private agency shall be responsible for notifying the local school district of the need to initiate and conduct a meeting for such purposes. The local school district shall insure that the parent(s) and a local school district representative(s) are involved in any decision regarding review and revisions of the child's IEP; and to agree to any placement changes before such changes are implemented.

(f) Responsibilities for the Administrative Admissions and Release Committee of the local school district placing the child in a private agency shall be: participation in meetings called by the receiving agency regarding review and revision of the IEP; at least annually, review the exceptional child's IEP and review the placement of each exceptional child receiving services outside the local school district in relation to the educational progress in that setting; and, insuring that the child and parent(s) are afforded all rights and protections as required and provided in 707 KAR 1:051, Section 9, and 707 KAR 1:060.'

B. As described earlier in this section, through 707 KAR 1:051, 707 KAR 1:070 and the Kentucky Department of Education-Department for Human Resources, each public agency is responsible for insuring the meeting of requirements regarding Individual Education Programs for exceptional children within its jurisdiction.

Further, as described in Section XVI of this plan, the State Department of Education through the Bureau of Education for Exceptional Children has the ultimate responsibility for the general supervision of educational programs for exceptional children in the Commonwealth in order to insure compliance with federal requirements and state standards, including those related to Individual Education Programs. In order to implement the Individual Education Program Policy, the Bureau of Education for Exceptional Children has developed several strategies to assist education agencies in this task. These education agencies include local school districts, private organizations and state operated programs (KSB, KSD, DHR facilities).

1. The IEP manual, "Developing the Individual Education Program (IEP): Total Service Plan" (Appendix IX) has been developed, published and disseminated to local school districts and other public and private agencies serving exceptional children. These materials form the basis for the State Department of Education to use in providing technical assistance to education agencies in the state. They also serve as a means of disseminating appropriate and uniform practices for use in meeting federal and state laws and regulations.

2. The Bureau of Education for Exceptional Children staff make on-site visits to local school districts, Kentucky School for the Blind, Kentucky School for the Deaf, Department for Human Resources programs and private organizations. These visits are more fully described in Sections XV and XVI of this plan. However, they include but are not limited to:

    a. Observations of pupils in classroom settings.

    b. Inspections of student records including proper identification and evaluation data; documentation of parent(s) permissions for evaluation and placement; maintenance of individual education programs; documentation of on-going assessment of pupil progress; and evaluation of the meeting of criteria established on the Individual Education Program; and comparison of the child's Individual Education Program as originally written at the beginning of the school year with information provided and decisions made as a result of the review and revision of this written program.

    c. Comparison of services specified on the Individual Education Program with services actually delivered to the child.

    d. Administrative review.

    e. In-service training and recommendations when warranted

    f. Scheduled follow-up activities to assure correction of deficiencies.

3. Local school districts must provide, as a requirement for receiving Part B monies, assurances that: 1) procedures have been implemented to consult with other school districts or agencies when a child will receive services outside their resident district; 2) written procedures have been established to develop, implement, maintain, and review, at least annually, each handicapped child's Individual Education Program (IEP); and 3) written procedures have been established to assure that the IEP contains the required statements. These assurances will be verified during on-site visits by the Bureau of Education for Exceptional Children staff to the local school districts.

4. Technical assistance and consultation regarding the development, implementation, and evaluation of Individual Education Programs has been provided in both local and statewide workshops to personnel from local school districts, state operated programs (KSB, KSD, and DHR residential facilities), and private organizations. This has been provided through a variety of sources including EHA, Part B workshops, Title VI-G workshops, in-service consultation/technical assistance provided by field service and central office staff of the Bureau of Education for Exceptional Children. The provision of this technical assistance and consultation is being continued."

Fiscal Year 1980 Requirements

The requirement regarding Individual Education Program (IEP) development, review and revision for exceptional children enrolled in parochial or other private shcools is addressed in 707 KAR 1:051 as follows:

> The Administrative Admissions and Release Committee is designated with having the responsibility which includes "receive referrals of the following nature: receive written information on identified children not currently enrolled in the local school district who are though to need special education and related services". 707 KAR 1:051, Section 3, Subsection (2)(a)(1). This requirement includes referrals of children enrolled in parochial or other private schools.
>
> As cited earlier in this section, membership on the Administrative Admissions and Release Committee shall include the "referred pupil's principal and teacher (if the child is enrolled in public or private school" 707 KAR 1:051, Section 3, Subsection (1)(a)(c).
>
> The Administrative Admissions and Release Committee's responsibilities including initiating and conducting meetings to develop, review and revise an Individual Education Program for children referred. This is documented earlier in this section.
>
> Lastly, IEP implementation may necessitate service delivery in variety of settings. 707 KAR 1:051, Section 3, Subsection (e) cited earlier in this section, provides procedures for placement and IEP review and revision for children served in both public and private settings.

State and federal regulations clearly specify that the IEP is to be developed through the committee process as identified in this Section. However, these regulations do not prohibit school personnel or parents from bringing to the meeting written recommendations for consideration by the appropriate admissions and release committee. Both state and federal regulations require the input of and decisions by a multidisciplinary group including the parents. Providing this input in written as well as verbal form may facilitate the committee process. This input (whether written or verbal) must be considered as such, that is, as recommendations to be considered by the total committee in making decisions about the child which will result in the committee's development of the IEP.

VII. PROCEDURAL SAFEGUARDS (612(5)(A), 615)

Section 612(5)(A) states that in order to receive assistance under Part B, a state must demonstrate that it "has established procedural safeguards as required by Section 615" of the Act.

A. The following regulations and policies concerning procedural safeguards are incorporated by reference from the Fiscal Year 1979. Annual Program Plan. To assist the public in its review of this current year's plan, regulations and policies cited in the Fiscal Year 1979 Plan are quoted below. Appendix citations refer to appendixes which accompanied the Fiscal Year 1979 plan rather than the appendixes which accompany this plan.

"1. 707 KAR 1:060 through the Due Process Policy and Procedure Manual (Appendix VII) requires the following in regard to an independent educational evaluation.

"General Requirements:

The parent(s) of a handicapped child has the right to an independent educational evaluation of his/her child. 'Independent educational evaluation' means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question. Each public agency shall provide the parents, on request, information about where an independent education evaluation may be obtained.

Evaluation at Public Expense:

'Public expense' means that the public agency pays for the full cost of the evaluation or insures that the evaluation is otherwise provided at no cost to the parent. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation. An independent educational evaluation shall be at public expense as follows:

1. A parent(s) has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. However, the public agency may initiate an impartial due process hearing to show that its evaluation is appropriate. If the final decision is that the public agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation but not at public expense.

2. If a hearing officer requests an independent educational evaluation as part of an impartial due process hearing, the cost of the evaluation must be at public expense.

Parent Initiated Evaluations:

If the parent(s) obtains an independent educational evaluation at private expense, the results of the evaluation

1. must be considered by the public agency in any decision made with respect to the provision of a free appropriate public education to the child, and

2. may be presented as evidence at an impartial due process hearing regarding that child."

2. Requirements in this manual for written notice to parents are as follows:

"Notice to Parents

General Requirements:

A parent(s) shall receive written notification in English and the primary language of the home a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. This includes both those parents who choose to participate in an admissions and release committee and those who do not. Such notice shall be written in common, understandable language. If the primary language of the home is not written, the public agency shall take steps to assure translation of the notice into the primary language of the home. The public agency shall also assure that the parent(s) understand the notice and that there is written evidence to this effect.

Notice of Refused Action:

In the event that the public agency refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, written notice shall include:

1. A description of the action refused by the public agency and why that action is being refused including a listing of any options the public agency considered and why those options were rejected.

2. A description of all tests, reports or evaluation procedures which were used as a basis for the refusal.

3. A description of any other factors which are relevant to the public agency's refusal.

4. A statement that educational records pertaining to the child are open for parental review.

5. A detailed description of the due process hearing and appeal process.

6. A statement that the parent(s) has the right to obtain an independent evaluation of his/her child which shall be considered with respect to the provision of a free appropriate public education and which may be presented as evidence at a hearing.

7. A statement that the child will remain in the present educational placement until agreement is reached, an order is issued by a due process hearing officer and agreed to by both parties, an order is issued by the Superintendent of Public Instruction upon appeal, or an order is issued by the district court. If the hearing involves initial admission to a public school, the child will be placed there with the permission of the parents until the completion of the proceedings.

Notice of Proposed Action:

In the event that the public agency proposes to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child, written notice shall include:

1. A description of the action proposed by the public agency and why that action is being proposed including a listing of any options the public agency considered and why those options were rejected.

2. A description of all tests, reports or evaluation procedures which were used as a basis for the proposal.

3. A description of any other factors which are relevant to the public agency's proposal.

4. A statement that educational records pertaining to the child are open for parental review.

5. A detailed description of the due process hearing and appeal process.

6. A statement that the parent(s) has the right to obtain an independent evaluation of his/her child which shall be considered with respect to the provision of a free appropriate public education and which may be presented as evidence at a hearing.

7. A statement that the child will remain in the present educational placement until agreement is reached, an order is issued by a due process hearing officer and agreed to by both parties, an order is issued by the Superintendent of Public Instruction upon appeal, or an order is issued by the district court. If the hearing involves initial admission to a public school, the child will be placed there with the permission of the parents until the completion of the proceedings."

3. Parental consent is required prior to initiating formal evaluation procedures and prior to placement (including change in placement). This is required in both 707 KAR 1:051 and in 707 KAR 1:060 through the Due Process Policy and Procedure Manual (Appendixes III and VII). This protection and additional procedural safeguards relating to parental consent and confidentiality of information are provided in 707 KAR 1:051, Section 9, as follows:

> "Section 9. Procedural Safeguards. Each child and his or her parent(s) and the local school district shall be guaranteed procedural safeguards in decisions regarding identification, location, evaluation and educational placement of the child in programs for exceptional children as provided in 707 KAR 1:060, the 'Due Process and Procedure Manual'. These safeguards shall include the following:
>
> (1) The child shall be represented by his or her parent(s) at all decision making points in the identification, evaluation and placement process. 'Parent' refers to a natural mother or father, adoptive mother or father, a legally appointed guardian, a person acting as a parent of a child (grandparent, stepparent, etc.), or a surrogate parent appointed to act in this capacity.

(2) The parent(s) shall receive notification from the local school district that their child has been referred as a possible candidate for programs for exceptional children and that the child has the right to receive a free appropriate public education.

(3) Parent(s) shall receive written notification in English and the primary language of the home regarding identification, evaluation and placement procedures.

(4) The local school district shall obtain written parental permission prior to individual evaluation and placement in a program for exceptional children.

(5) The parent(s) shall be notified annually that they have access to relevant school records consistent with the following:

(a) 'Educational records' are open for inspection and review of the individual child's parent(s), as defined in Section 9(1).

(b) Upon request of the parent(s), the public agency must provide an explanation and interpretation of such records.

(c) Copies of the records must be provided if failure to do so would prevent the parent from exercising their right to review and inspect the records. A nominal fee may be charged unless it would prevent such access rights.

(d) The parent may request a representative to inspect and review the child's records.

(e) The location, types and person responsible for education records shall be made public information by the agency.

(f) A record of access shall be maintained for those individuals obtaining access to such records, except the parents and authorized parties of the agency.

(g) Information from records containing data on more than one child shall be provided in such a way as to preserve the confidentiality of other students.

(h) The parent(s) has the right to request an amendment of information in the education records, and have the right to a hearing if the agency refuses to amend the records.

(i) If the result of the hearing does not require such amendment, the parent has the right to place a statement outlining points of dissent in the educational records. This statement must accompany the information each time it is released.

(j) A listing of the names and titles of individuals in the public agency who have access to education records must be maintained for public inspection.

(k) Parental consent must be obtained before disclosing personally identifiable information to individuals or agencies as delineated in the Family Educational Rights and Privacy Act, and P. L. 94-142.

(l) Public agencies must inform the parent(s) when education records are no longer needed for educational services, and destroy that information upon request of the parent. The agency must inform the parents that such information could be needed later for social security benefits or other purposes. A permanent record of the student's name, address, phone, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

(m) The public agency should develop and adopt policies and procedures consistent with the provisions of the Family Educational Rights and Privacy Act and confidentiality requirements of P. L. 94-142 for all exceptional pupils receiving educational services from that agency.

(6) The parent(s) shall have the right to obtain an an independent educational evaluation conducted by a qualified examiner. The results of this evaluation must be considered in decisions regarding the provision of a free appropriate public education to the child.

> (7) In accordance with procedures outlined in 707 KAR 1:060, the 'Due Process Manual', either the parent(s) or the local school district may request an impartial due process hearing to resolve disagreements regarding the identification, evaluation and educational place- of exceptional children. Appeals related to the due process hearing decision shall be conducted pursuant to 707 KAR 1:080."

Additional consent requirements are provided in The Handbook on Confidentiality of Records for Exceptional Children Served by Local School Districts and Participating Agencies (Appendix VIII). These requirements are as follows:

> "1. The agency must obtain parental consent before disclosing student records to anyone other than those officials of agencies using the records for educational purposes.
>
> 2. The agency must obtain parental consent before seeking information directly from the child for the purpose of evaluating his/her special education needs.
>
> 3. An agency or institution may not release data from educational records to other agencies without parental consent."

Parental consent and procedures that are to be followed if parents refuse consent are addressed in the Due Process Policy and Procedure Manual (Appendix VII). Parental consent is required in the case of preplacement evaluation and in the case of initial placement in a special education program. Consent is required at other points as described below. In this respect, Kentucky Administrative Regulations meet more than the minimum requirements of P. L. 94-142. It is felt that the various safeguards provided in the Kentucky Administrative Regulations (such as both the agency and the parent's right to an impartial due process hearing and provisions related to actions which may take place if parents fail to respond to requests for consent) preclude a child being denied a free appropriate public education because of the requirements for consent. Provisions of the Due Process Policy and Procedure Manual are as follows:

"Requirements for Parental Consent

General Comments:

Parental consent is required prior to (1) conducting an individual educational evaluation and (2) placement of a child in a program for exceptional children pursuant to 707 KAR 1:051, Section 9. Written parental consent is also required both for initial placement and for changes in educational status, as defined in this manual, prior to the action occurring. When there is no change recommended for the type of program placement at the time that the IEP is reviewed, consent is not required but written notification of continued placement shall be provided to the parents.

Request for Consent to Evaluate:

The public agency shall obtain written parental consent prior to administering individual educational evaluation to the child. An individual educational evaluation refers to procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade or class.

Requests to administer specific individual evaluations shall include a notice to parents of the action proposed by the public agency as described earlier in this manual. This notice shall be accompanied by a statement which shall inform the parent of:

1. The parent's right to deny permission for such tests, with the understanding that the public agency may request a due process hearing to present its reasons for the evaluation and try to obtain approval to conduct the evaluations;

2. The parent's right to be notified and give consent for the use of information from the child's record for purposes other than those previously specified to the parent.

Parent Denial of Consent to Evaluate:

If the parent(s) deny consent for the evaluation, the public agency shall either accept their decision or shall request an impartial due process hearing. The written request for such a hearing shall be submitted to the Bureau of Education for Exceptional Children, Kentucky Department of Education.

CONSENT FOR PLACEMENT

Request for Consent for Placement:

The public agency must receive written parental consent prior to the placement of exceptional children including both initial placement and change in placement. Notice of the proposed action shall be provided in conformance with the requirements identified earlier in this manual. In addition, requests for permission to place a child in a program for exceptional children (notice of proposed action) shall be accompanied by a statement which will inform the parent(s) of the right to deny permission for such placement, with the understanding that the public agency may request a due process hearing to present its reasons for the placement recommendation in an effort to obtain permission for the placement.

Parent Denial of Consent for Placement:

If the parent(s) deny permission for the placement, the public agency shall either accept the parent(s) decision or request an impartial due process hearing. Written requests for such a hearing shall be submitted to the Bureau of Education for Exceptional Children, Kentucky Department of Education."

3. 707 KAR 1:060 through the Due Process Policy and Procedure Manual provides requirements relating to an impartial due process hearing (Appendix VII). This is addressed in the following manner.

"PROCEDURES FOR THE DUE PROCESS HEARING PROCESS

Introduction

The due process hearing is an integral part of due process procedures. Unless otherwise specified, the public agency involved in the proceedings is responsible for insuring that the impartial due process hearing is conducted consistent with the requirements identified in this manual including paying for the cost of the hearing.

Under the federal regulation of P. L. 94-142, the parent(s) of an exceptional child or a public agency may request an impartial hearing in regard to the identification, location, evaluation or educational placement of a child or the provision of a free appropriate public education to a child.

The request for a hearing and hearing officer shall be submitted in writing to the Bureau of Education for Exceptional Children. It shall be the responsibility of the Bureau of Education for Exceptional Children to assign an impartial hearing officer to preside at a due process hearing.

No later than 45 calendar days after the Bureau of Educational for Exceptional Children receives a written request for a hearing, the due process hearing officer's written findings of fact and decisions shall be rendered and copies mailed to parties of the action by the hearing officer. A reasonable extension of this time frame may be granted by the impartial due process hearing officer at the request of either party upon showing good cause.

The following procedures apply when the parent(s) or public agency disagree in regard to the identification, evaluation and/or educational placement of the child or the provison of free appropriate public education to a child and one or both parties request an impartial due process hearing, in order to resolve the difference.

Due Process Procedures and Timelines

Request for Hearing:

1. A written notification shall be sent to the Bureau of Education for Exceptional Children requesting the assignment of a hearing officer to preside at a due process hearing.

2. Request for a hearing may be made by the public agency or by the parent(s) in writing.

3. Reasons for the request of a hearing officer shall be stated.

Assignment of Hearing Officer:

1. The Bureau of Education for Exceptional Children shall assign a hearing officer.

2. The hearing officer assigned shall not be from that public agency.

3. The hearing officer shall not appear to have vested interest in the outcome of the hearing.

4. The appointed hearing officer shall notify the public agency and parent(s) of his/her assignment to serve as in impartial hearing officer.

5. Within seven (7) calendar days after notification of the assignment of the hearing officer, the public agency or parent(s) may submit in writing to the Bureau of Education for Exceptional Children reasons for their contention that the hearing officer would not be impartial. Reasons for dismissal of the hearing officer must be substantiated prior to the assignment of another hearing officer.

Arrangements Prior to the Hearing:

1. The public agency shall schedule the hearing at a time, date and location convenient to both the agency and parent(s).

2. The public agency shall inform the hearing officer of the existing time, date and location of the hearing.

3. At least fourteen (14) days prior to the hearing, the public agency shall provide the hearing officer with a written chronology of events leading to the due process hearing.

4. At least five (5) calendar dyas prior to the hearing, the hearing officer shall send to the public agency and parent(s) via certified mail, a letter confirming the date, location and time of the hearing.

5. At least five (5) calendar days prior to the hearing, all pertinent information concerning the hearing shall be disclosed to both parties.

6. Those attending the hearing shall include but not be limited to the parents (and their representative if desired by parents), a representative of the appropriate admissions and release committee, public agency personnel, the hearing officer, and the child, at the discretion of the parent.

7. The public agency shall make arrangements to provide at the hearing a tape recorder and court stenographer to be utilized during the hearing to insure a true and accurate record of the hearing. The court stenographer shall transcribe the record in the event an appeal is requested or upon request of the hearing officer or either party to the hearing.

8. The child shall remain in his/her present educational placement until agreement is reached, an order is issued by the Superintendent of Public Instruction upon appeal, or an order is issued by the district court. If the hearing involves initial admission to a public school, the child shall be placed in the public school system with the permission of the parents until the completion of the proceedings.

9. The public agency shall inform the parent(s) of any free or low-cost legal and other relevant services available in the area.

10. The public agency shall inform the parent(s) that the hearing shall be closed unless requested to be open by the parent(s) or, if the child has reached the age of legal majority, upon request of the child.

Hearing Rights:

Any party to a hearing has the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of exceptional children;

2. Present evidence and confront, cross-examine, and compel the attendance of witnesses;

3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to the party at least five (5) days before the hearing;

4. Obtain a written or electronic verbatim record of the hearing;

5. Obtain written findings of fact and decisions.

Concluding Responsibility of the Hearing Officer and the Bureau of Education for Exceptional Children:

1. No later than seven (7) calendar days following the hearing, the hearing officer shall send written findings of fact and decisions via certified mail (return receipt requested) to the public agency and parent(s), with a copy of the decisions to the Bureau of Education for Exceptional Children.

2. All evidence including tapes and transcripts shall be sent to the Bureau of Education for Exceptional Children by the hearing officer for maintenance in the files.

3. Thirty (30) calendar days after the hearing officer's written findings of fact and decision are rendered and no appeal is made, the Bureau of Education for Exceptional Children shall verify the implementation of the hearing officer's decision by an on-site visit to the public agency. A report of the visit will be on file at the public agency and at the Bureau of Education for Exceptional Children.

4. The Bureau of Education for Exceptional Children shall insure that written findings of fact and decision are provided to the State Advisory Panel for Exceptional Children after deleting any personally identifiable information."

5. A procedure through which the decision of the impartial hearing officer may be appealed is established in 707 KAR 1:080 and is also addressed in 707 KAR 1:060 through the Due Process Policy and Procedure Manual (Appendix VII). This manual provides for the following:

"Procedures for Appeal and Timelines:

Introduction

The Superintendent of Public Instruction has designated the Exceptional Children Appeals Board within the Department of Education of the Commonwealth of Kentucky to hear such appeals, pursuant to 707 KAR 1:080.

Even if no exceptions are submitted by either party, the Bureau of Education for Exceptional Children may take exception and may submit a copy of the decision to the Chairman, Exceptional Children Appeals Board, Kentucky Department of Education for review and opinion. In such cases, the Bureau of Education for Exceptional Children shall notify both parties and the hearing officer in the case.

Procedures for Appeal

1. Within fourteen (14) calendar days after the hearing officer's written findings of fact and decisions are received by parent(s) and public agency, either party may appeal the hearing officer's decision by sending the written exception regarding the hearing to the Chairman, Exceptional Children Appeals Board, Kentucky Department of Education. A copy of the exception shall also be sent in like manner to the opposing party (appellee).

2. Within seven (7) days of receipt of the written exception, the Exceptional Children Appeals Board shall obtain a copy of the Hearing Officers' written findings of fact and decisions from the Bureau of Education for Exceptional Children.

3. Within seven (7) calendar days the opposing party may file a written response to the exceptions. The response must be sent to the Chairman, Exceptional Children Appeals Board, Kentucky Department of Education, by certified mail.

4. Within ten (10) calendar days after receipt of the appeal and the exception to the appeal (if there is an exception), the Chairman of the Exceptional Children Appeals Board shall conduct an impartial review of the written findings of fact and decisions to insure that procedures were consistent with requirements of due process. An extension of the above time frame shall be granted if both parties to the appeal agree.

5. The Exceptional Children Appeals Board may seek additional evidence if necessary to insure that the child shall be provided a free appropriate public education.

6. If the Exceptional Children Appeals Board decides to hold a hearing to receive additional evidence, all parties to the hearing have the right to be represented by counsel.

7. The Exceptional Children Appeals Board shall afford the parties an opportunity for oral or written argument or both at the discretion of the reviewing officials.

8. Each review involving oral arguments shall be conducted at a time and place which is reasonably convenient to the parents and child involved.

9. Within ten (10) calendar days of the conclusion of the hearing on appeals, the Exceptional Children Appeals Board shall make an independent decision including findings of fact and conclusions of law and recommendations to the Superintendent of Public Instruction.

10. Within three (3) calendar days upon receipt of the reviewing official's findings of fact and decisions, the Superintendent of Public Instruction shall make a final determination in the appeals hearing.

11. Upon completion of the appeals process, copies of the written findings of fact and decisions are mailed to each of the parties involved in the hearing and to the Bureau of Education for Exceptional Children.

12. The decision of the Exceptional Children Appeals Board is final, unless either party brings a civil action. Either party to the hearing may appeal the decision of the Exceptional Children Appeals Board to the courts for Civil Action.

13. Thirty (30) calendar days after the Exceptional Children Appeals Board's decision is rendered and no civil action taken, the Bureau of Education for Exceptional Children shall verify the implementation of the Exceptional Children Appeals Board's decision by an on-site visit to the public agency. A report of the visit will be on file at the public agency and at the Bureau of Education for Exceptional Children."

6. The Due Process Policy and Procedure Manual (Appendix VII) provides for the following in regard to the qualifications of hearing officers:

"6. Impartial hearing officer - This person shall be appointed by the State Department of Education,

> Bureau of Education for Exceptional Children, to preside at the due process hearing. In order to insure impartiality, this individual shall not be an officer, school board official, employee, or agent of the public agency involved in the hearing and must not have an interest which would conflict with the outcome of the hearing."

"Requirements Regarding the Hearing Officer

It is the sole responsibility of the Bureau of Education for Exceptional Children to select, train, and maintain a registry of hearing officers to serve at a due process hearing. Persons to be considered for appointment as impartial hearing officer may come from a variety of working environments, such as public schools, universities and colleges, and outside professional agencies concerned with the education and training of exceptional children.

Their competencies shall include but not be limited to the following:

1. A Bachelor's degree in Education or an appropriate field, e.g., social work, psychology, counseling, law, etc.
2. A minimum of five (5) years experience in education, special education, counseling, social work, law or related field. It is desirable for a majority of such experience to have been gained in the public schools.
3. Evidence that as part of the professional experience the individual has been involved in programs for the education and training of exceptional children.
4. Evidence that the individual has working familiarity with public agency education administration.
5. Evidence that the individual is familiar with the laws of the Commonwealth and specifically those pertaining to school operations.

The Bureau of Education for Exceptional Children shall maintain a listing of trained individuals and their qualification from which hearing officer assignments shall be made.

The Bureau of Education for Exceptional Children shall provide training for those individuals selected to serve as hearing officers."

7. The provision of surrogate parents is addressed in 707 KAR 1:051, Section 9, Subsection (8) as follows:

> '(8) Where a child's parent(s) or guardian(s) are not known, are unavailable or the child is a ward of the State, such child shall be assigned a surrogate parent to represent him/her in all matters relating to the provision of a free appropriate public education.
>
> (a) The State Department of Education and local school districts, in cooperation with other public and private agencies, shall recruit persons who can and will serve as surrogate parents. The State Department of Education, Bureau of Education for Exceptional Children, shall maintain a registry of such persons to act in this capacity. Persons selected as surrogate parents shall:
>
> 1. Have no other vested interest that would conflict with their primary allegiance to the child they would represent.
> 2. Be committed to personally and thoroughly acquainting themselves with the child and the child's educational needs.
> 3. Be familiar with the educational system within the state.
> 4. Be readily accessible to the children they represent.
>
> (b) Assignment of a surrogate to a particular child shall be made according to the following procedures.

1. Any person may file a request for the assignment of a surrogate to a child with the child's local school district with a copy of the request to the State Department of Education, Bureau of Education for Exceptional Children.

2. The local school district shall send a notice of the request for a surrogate to the adult in charge of the child's place of residence and to the parent(s) or guardian(s) at their last known address in an effort to determine the need for a surrogate parent.

3. If the local school district determines need for a surrogate as provided in Section 9(1), the State Department of Education, Bureau of Education for Exceptional Children, shall be notified in writing of such need. The Bureau of Education for Exceptional Children shall assign a surrogate within seven (7) calendar days of the notification.

4. The assigned surrogate shall represent the child in all matters relating to identification, evaluation, and placement, and the provision of a free appropriate public education.

5. Surrogates shall not be assigned to children who have reached the age of majority.

6. An individual assigned as a surrogate shall not be an employee of a public agency involved in the education or care of the child.'

B. The Bureau of Education for Exceptional Children, as the monitoring, coordinating, and directing agency within the Department of Education for programs for exceptional children, has developed regulations, 707 KAR 1:051, which provide for the establishment of appropriate programs for exceptional children. Further, the allotment of classroom units for exceptional children requires compliance with laws and regulations by local school districts relative to exceptional children prior to the allotment of these units. The provisions of KRS 157.224(2) (Appendix II) is available in the event that boards of education fail to provide programs for exceptional children.

The provision of consultative and technical assistance services to education agencies including local school districts, private organizations and state operated programs by the Bureau of Education for Exceptional Children staff further insures that these agencies will comply with established regulations and standards. Included in these activities will be workshops and the Full Services Needs Profile and Survey to be conducted in each local school district and state operated program (Appendix V). This survey is described more fully in Section III of this document. Also, the provision for a due process hearing with an impartial hearing officer gives the opportunity for the parent or guardian or child where appropriate to question the local school district in relation to the provision of appropriate services for the exceptional child. In order to provide follow-up to decisions by hearing officers, Bureau of Education for Exceptional Children staff will conduct an on-site visit thirty (30) days after the decision has been rendered and no appeal made.

Monitoring of confidentiality and procedural safeguard requirements is being carried out in the following ways. In the EHA, Part B application, each local school district assures the initiation and maintenance of confidentiality requirements. As a part of this application, the local school district is required to designate an individual who would be responsible for implementing these procedures and send that person's name to the Bureau of Education for Exceptional Children.

In addition, copies of the Procedures for Identification, Evaluation and Placement of Exceptional Children have been disseminated to all private and public agencies serving exceptional children. This document includes guidelines for child identification, admissions and release committee functions and procedures, developing of individual education programs, due process procedures, Handbook on Confidentiality, and the Kentucky Revised Statutes and Administrative Regulations which pertain to exceptional children.

The Bureau of Education for Exceptional Children has established a position for a staff person to coordinate the monitoring of due process procedures in educational programs in the state. The activities carried out by this person together with the monitoring and evaluation activities described in Sections XV and XVI insure adherence to Kentucky state laws, regulations, procedures and the Kentucky Department of Education-Department for Human Resources Agreement which guarantee procedural safeguards to all handicapped children including those in local school districts, private organizations and state operated programs."

FY 1980 Requirements

As cited in this section, both the parent and the agency have the right to request an impartial due process hearing consistent with 707 KAR 1:060 and the Due Process Policy and Procedure Manual. This right of the agency to request a hearing extends to all agency employees involved in the identification, location, evaluation or placement of the child. Agency employees shall make such requests through the agency by which they are employed.

VIII. LEAST RESTRICTIVE ENVIRONMENT (612(5)(B))

Section 612(5)(B) states that in order to qualify for assistance under Part B, a State shall demonstrate that it has established "procedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services vannot be achieved satisfactorily."

A. The policies and regulations concerning least restrictive environment which were included in the Fiscal Year 1979 Annual Program Plan are hereby incorporated by reference. To assist the public in its review of the current year's plan, the section on least restrictive environment from last year's plan (Fiscal Year 1979) is quoted below. Appendix citations refer to appendixes which accompanied the Fiscal Year 1979 plan rather than the appendixes which accompany this plan.

> "1. The following are major problem areas encountered in making alternative placements available to meet the needs of handicapped children.
>
> a. Low incidence of certain handicapping conditions is a factor in providing appropriate educational programming within the geographical area of a child's residence.
>
> b. Shortage of qualified instructional and ancillary personnel in certain categorical areas of exceptionality, e.g., emotionally disturbed, visually impaired, orthopedically impaired. This problem is even more pronounced in many rural areas of the state.
>
> 2. The issue of least restrictive environment in the placement of exceptinal children in Kentucky is reflected in 707 KAR 1:051, Section 7 (Appendix III). This regulation establishes the following requirements.
>
> > 'Section 7. Least Restrictive Environment. Least restrictive environment refers to that educational setting or program in which the identified child can function most effectively based upon his/her unique needs and capabilities.

(1) To the maximum extent appropriate, exceptional children as defined in KRS 157.200 including those children in public or private institutions or other care facilities shall be educated with children who are not identified as exceptional.

(2) Self-contained classes, separate schooling or other removal of exceptional children from the regular educational environment shall occur only when the nature or severity of the exceptionality is such that education in the regular class with the use of supplementary aids and services cannot be achieved satisfactorily.

(3) Unless an exceptional child's Individual Education Program requires some other arrangement, the child shall be educated in the school in which he or she would attend if not identified as exceptional.

(4) Each agency providing educational services shall insure that a continuum of placement alternatives is available to meet the needs of exceptional children for special education and related services. The alternatives shall include but not be limited to instruction in the regular classroom, special classes, special schools and home and hospital instruction. The alternatives shall make provision for supplementary services such as resource room or itinerant instruction to be provided in conjunction with regular class placement.

(5) The identified child shall be returned to the most normal setting possible when specified goals and objectives have been achieved, consistent with the child's capabilities and educational needs and as determined by the appropriate admissions and release committee.'

The requirement identified in item (3) above is interpreted to include the provision that the child be educated as close to home as possible.

Least restrictive environment is also addressed in the provisions of 707 KAR 1:051, Section 6, Subsection (2) (Appendix III) dealing with change in placement. These provisions are as follows:

Further reference to this concept is found in this regulation in the provisions dealing with review of placement. Section 3, Subsection 5 requires:

> '(5) If at any time during the school year, the child's educational placement appears to be inappropriate to the parent(s), the principal, the teacher(s) or specialist(s) providing services to the child, any one of such persons may request a review of placement. The appropriate admissions and release committee shall conduct the review. The child, parent(s) and local school district shall be afforded all due process rights as described in 707 KAR 1:060.
>
> (a) When a review is requested for the purpose of securing a less restrictive environment, the appropriate admissions and release committee determines that the child's needs can be met in a less restrictive setting and the child's placement and educational program shall be changed and support services provided as necessary.
>
> (b) When a review is requested for the purpose of securing a more restrictive educational placement for the child, the appropriate admissions and release committee shall review that current educational program after it has been implemented for the minimum time of thirty (30) calendar days.'

707 KAR 1:051, Section 6 requires that:

> '(c) Placement shall be based on the child's IEP.
>
> (d) Placement shall be determined at least annually, and shall be made consistent with the least restrictive environment concept as required and provided in 707 KAR 1:051, Section 7.'

Standards pursuant to 707 KAR 1:051, Section 7 will contain statements which reflect the following:

> Determination of placement must insure that the child is provided special education and related services in the least restrictive environment as defined in 707 KAR 1:051, Section 7. In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the child or on the quality of services which he/she needs. Provisions must also be included for

'(2) Change in Placement. Change in placement refers to those actions that cause a significant alteration in programming for a child who is currently receiving special education and related services. Such alterations may be admissions and release committee initiated or may be the result of extenuating circumstances (e.g., family moves).

(a) The following actions shall be considered significant alteration or change in placement for an exceptional child. A change from:

1. Special education and related services to regular eduation, including regular education with support services;

2. One categorical program to another (e.g. TMH to EMH);

3. One program plan to another (e.g. special class to resource room);

4. One instructional level to another (e.g. elementary to middle school):

5. A special school or setting to or from a regular school;

6. One school district to another school district.

(b) Any change in placement shall follow due process procedures to insure that exceptional children and their parents are guaranteed procedural safeguards in decisions regarding identification, evaluation, and placement, including written parental permission for change in placement.

(c) Any change in placement shall be subject to established admissions and release committee procedures and considerations of the least restrictive environment concept.'

insuring the handicapped children have an opportunity to participate with non-handicapped children in non-academic and extra curricular activities to the maximum extent appropriate.

3. Through 707 KAR 1:070, requirements are established to insure that exceptional children served in educational programs operated by public agencies other than local school districts (including such programs as state operated and Department for Human Resources programs) and by private agencies are afforded the same rights and protections as children educated in a local school district (Appendix III). This would include provision for an educational program in the least restrictive environment.

In addition, a Policy Statement Regarding Responsibility for the Education of Exceptional Children in Department for Human Resources' Programs was signed by both the Kentucky Deparment of Education and the Department for Human Resources on March 15, 1978 (Appendix IV). Through this policy statement, it was affirmed that:

> 'The Department for Human Resources/Bureau for Health Services' facilities provide residential treatment programs for children who are mentally retarded and those with emotional problems. Referral to and placement in these facilities is based upon the child's need for treatment.'

Thus, children shall not be referred to and placed in these facilities by local school districts or any other agency or person solely in order to meet the child's educational needs. The policy statement further provides:

> 'When the children are placed in the facilties for the treatment program, the Department for Human Resources/Bureau for Health Services becomes responsible for the child's medical, educational, social and emotional needs......the responsibility for providing an educational program for exceptional children in the Department for Human Resources' facilities rests with the Department(for Human Resources) and may be achieved through means such as, programs in the facilities, arrangements with local school districts, etc., keeping in mind the need for placement for educational purposes in the least restrictive environment based upon the child's unique needs.

> As the educational provider, the Department for Human Resources Bureau for Health Services' facilities are responsible for insuring that the rights and protections of P.L. 93-380, as amended by P.L. 94-142, are provided to all children within the facility.'

As described more fully in Section XVI, the State Department of Education, through Subsection 121a.600 of Public Law 94-142, has the responsibility of general supervision over these educational programs provided by the Department for Human Resources as well as overall educational programs provided for exceptional children within the State. This general supervision is to insure that State and Federal requirements are being met and that all assurances and protections are being provided.

4. Kentucky Administrative Regulations also describe the program plans which shall be made available for exceptional children. These are 'special class', 'resource room', 'itinerant plan' and 'variation plan'. The variation plan represents a variation of any of these plans to include one or more areas of exceptionality and is provided for the purpose of meeting individual needs. The regulations indicate that students enrolled in each of these plans shall participate in the regular class whenever possible or shall be enrolled in the regular class and receive a portion of their instruction in the regular class (707 KAR 1:051, Section 1). The regulations also specify that the resource room and special class programs shall be housed in an elementary or secondary school,dependent upon the age range of the pupils (707 KAR 1:051, Section 1)(Appendix III).

5. Instructions to local school districts when applying for funds under EHA-B reference least restrictive environment (Appendix X). Local school districts are required to:

    1. 'Establish and make available written policies to assure that special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.'

    2. 'Establish written policies which include a continuum of alternative placements available in order to meet the special education and related needs of handicapped children.'

6. The Bureau of Education for Exceptional Children document, Procedures for Identification, Evaluation and Placement of Exceptional Children, has been developed for use in providing assistance to and training of teachers and administrative personnel involved in the provisions of education and related services to handicapped children. These have been disseminated to all local districts and other public and private agencies in the state who are providing education and related services to handicapped children. These materials specifically describe the continuum of alternative placements to be made available within a local school district and also the continuum of alternative placements available state-wide (Figure 1).

   In addition, numerous training sessions with teachers and administrators have been conducted by both Frankfort-based and Field-based Bureau of Education for Exceptional Children staff regarding the requirements of Public Law 94-142 and state regulations, including the least restrictive environment requirement. These training activities have targeted audiences on a state-wide, regional, and individual agency basis. They have been prompted both by requests received by this Bureau and by formally planned Bureau training activities such as those provided under EHA, Part D and EHA, Part G.

   Lastly, the requirements of the law have been further promulgated to all appropriate public and private agencies/organizations through the dissemination of policies and procedures as a result to the Bureau of Education for the Handicapped's program administrative visit to Kentucky, the dissemination of Kentucky Administrative Regulations, and the dissemination of this and previouse Annual Program Plans.

B. The adherence of local school districts to the principle of least restrictive environmental placement will be verified as part of the on-site visits conducted by Bureau of Education for Exceptional Children staff. This requirement will also be monitored through evaluation visits to state operated programs, Department for Human Resources programs, and private organization programs.

   These visits will include but not be limited to the review and examination of:

   1. Individual Education Programs including rationale/justification for placement.

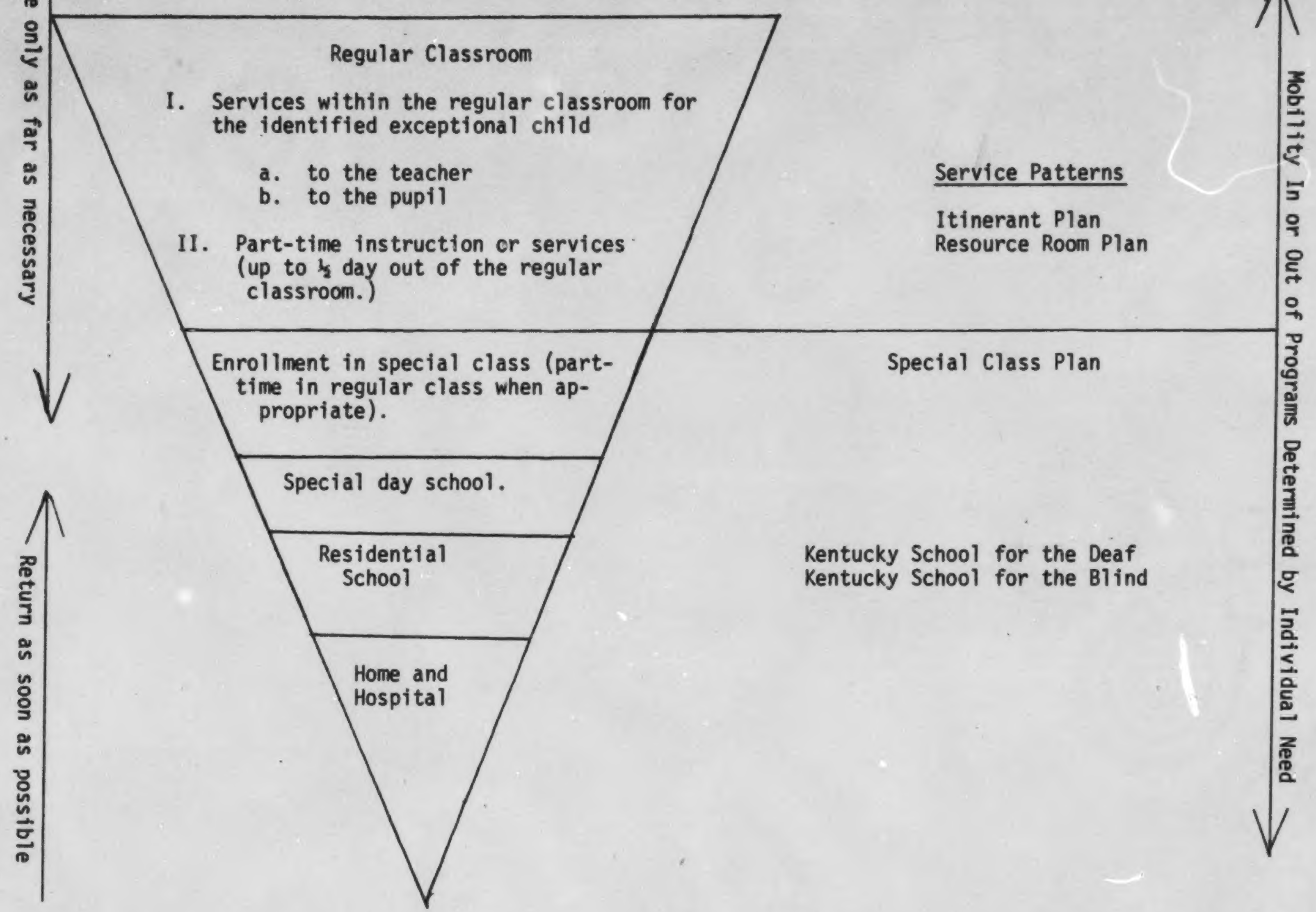
   2. Agency policies and procedures related to least restrictive environment.

   3. The number, type and location of services.

FIGURE 1

CONCEPTUAL APPROACH TO THE RANGE OF PLACEMENT OPTIONS

(Cascade System)


Move only as far as necessary
Regular Classroom
I. Services within the regular classroom for the identified exceptional child
a. to the teacher
b. to the pupil
II. Part-time instruction or services (up to ½ day out of the regular classroom.)
Enrollment in special class (part-time in regular class when appropriate).
Special day school.
Residential School
Home and Hospital
Return as soon as possible
Service Patterns
Itinerant Plan
Resource Room Plan
Special Class Plan
Kentucky School for the Deaf
Kentucky School for the Blind
Mobility In or Out of Programs Determined by Individual Need

4. The quality of services provided as evaluated in relation to "Standards for Programs for Exceptional Children".

A more thorough explanation of monitoring activities is provided in this plan in Section XV and XVI. Section XVI provides the procedures for follow-up to these visits including the reporting and remediation of corrective or "recommended actions".

Additional verification is gathered through compilation of the data submitted by the local districts on the forms found in Appendix X."

IX. PROTECTION IN EVALUATION PROCEDURES (612)(5))

Section 612(5)(C) states that in order for a State to qualify for Part B assistance, it must demonstrate that it has established "procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate education program for a child".

Protection in evaluation procedures cited in the Fiscal Year 1979 Annual Program Plan are hereby incorporated by reference. To assist the public in its review of this current year's plan, the protection in evaluation section from last year's plan (Fiscal Year 1979) is accompanied the Fiscal Year 1979 plan rather than the appendixes which accompany this plan.

Section Incorporated by Reference From FY 1979 Plan

"1. Protection in evaluation procedures is provided for through eligibility criteria and evaluation requirements of each categorical program section of the Kentucky Administrative Regulations and through 707 KAR 1:051, Section 4 (Appendix III). This latter section specifies the following requirements:

> 'Section 4. Child Evaluation. Child evaluation refers to the sum total of information needed to make educational decisions about the child, including information obtained from such sources as informal and formal testing, behavior observation, teacher/parent interviews, work samples, social/developmental history, medical history, school records and anecdotal records. The appropriate admissions and release committee shall be responsible for assuring that child evaluation information is obtained pursuant to the following:
>
> 1. All due process procedures related to evaluation as required and provided in 707 KAR 1:051, Section 9, and 707 KAR 1:060 shall be followed.
>
> 2. Appropriate evaluations shall be conducted by a multi-disciplinary team. Evaluation personnel shall be determined by the appropriate admissions and release committee.

3. Areas for evaluation shall be determined by the appropriate admissions and release committee and as specified by regulations related to the suspected area of exceptionality.

4. Evaluation procedures: To the maximum extent possible, child evaluation procedures shall be non-discriminatory in that:

a. Techniques and/or materials used are non-biased relative to race, culture, socio-economic status or impaired sensory, manual or speaking skills.

b. Qualified personnel provide the evaluation services. Qualified personnel refers to those certified special education personnel and others, as appropriate, selected by the local school district to conduct evaluations. Such personnel shall be trained in specific areas of child evaluation and shall assure that they:

    1) Have the expertise to conduct the evaluation;

    2) Understand the use of the different evaluation procedures; and

    3) Properly administer and interpret the evaluation results.

    4) Such personnel may include but are not limited to: educational diagnosticians, assessment specialists, classroom teachers, speech and language therapists, psychologists, psychometrists, counselors.

c. Tests and materials are provided and administered in the child's native language or primary mode of communication.

d. Tests and materials have been validated for the specific purpose for which they are used.

e. Tests and materials are administered in conformance with the instructions provided by the producer.

5. No single evaluation procedure shall be used to determine an appropriate program for a child.

6. Each child placed in a program for exceptional children shall be re-evaluated every three years or more frequently as warranted.

7. Any evaluation conducted within one year prior to the current referral may be accepted by the appropriate admissions and release committee as a legitimate substitute for another evaluation of the same type provided the information obtained meets the criteria specified above in (1)-(5)."

2. Protection in evaluation procedures is also provided in 707 KAR 1:051 in those sections dealing with the ARC's responsibility for the development, review and revision, at least annually, of each child's IEP. This is discussed in more detail in Section VI of this document. Protection in evaluation procedures is likewise provided in 707 KAR 1:051 in regard to change in placement and determination of the least restrictive educational setting. Further clarification is provided in Section VIII of this document. The Kentucky Administrative Regulations related to each of the categories of exceptionality (707 KAR 1:052-1:059 and 707 KAR 1:041) specify the eligibility criteria for each area of exceptionality (Appendix III). Through Kentucky Administrative Regulations cited in these sections, provision is made for requiring that evaluation materials administered to a child with impaired sensory, manual or speaking skills must yield results which accurately reflect the child's aptitude or achievement level; for requiring a committee knowledgeable about the child and representative of a multi-disciplinary approach including providing within committee membership at least one person expert in the area of suspected disability; assurance that the child is assessed in all areas of suspected disability, assurances that evaluation materials which are utilized must be tailored to assess specific areas of educational need rather than merely determining an intelligency quotient and that results from a variety of sources, over and above IQ scores and/or achievement test scores, are considered in determining the most appropriate educational program for a child; assurances that if evaluation data shows a child does not need instruction in a special setting, the child will not be placed outside the regular instructional setting; and assurances that the interpretation of evaluation data and determination of a child's placement be made by a team knowledgeable about the child, the meaning of the evaluation results, the placement options and personnel available to provide appropriate educational and related services. These points will be more specifically clarified through standards pursuant to 707 KAR 1:051.

3. In addition, through 707 KAR 1:060 in the Due Process Policy and Procedure Manual, the following requirements are set forth (Appendix VII). In the event that a local school district proposes or refuses to initiate or change the identification, evaluation and/or placement of a child, written notice must be provided to the parent. This notice must include 'a description of all tests, reports or evaluation procedures which were used as the basis for' the proposed action or refusal, that information obtained from all sources is documented, and that the child is formally and fully evaluated prior to action taken regarding placement or the denial of placement into a special education program. Further, as cited in this manual, it is required that:

   > '6. Within thirty (30) days of the completion of evaluation procedures through which it is determined that the child meets the eligibility requirements for special education and related services, an appropriate admissions and release committee shall share the results of evaluations, develop an Individual Education Program and make a placement recommendation.'

4. As provided in 707 KAR 1:051 cited in Section VI of this document, the local school districts must assure that protection in evaluation procedures, along with other mandates of state and federal laws, are provided to children whom that district refers to and places in other public programs (such as KSB, KSD, other LSDs) and in private organizations' programs. In addition, because KSB and KSD are part of the Kentucky Department of Education, the laws, regulations and procedures under which the department operates extend to these programs, thus providing for protection in evaluation procedures as well as other rights and protections for children placed in these programs. Similarly, the KDE-DHR Agreement of October 7, 1977 extends these same protections to children in DHR programs (Appendix IV).'

B. The following procedures are undertaken to implement the protection in evaluation policy:

1. The manual, Procedures for Identification, Evaluation, and Placement of Exceptional Children, has been disseminated to assist local school districts, private organizations, KSB, KSD, and DHR programs. These procedures form the basis for inservice training and provide a guide for the Bureau of Education for Exceptional Children to use in providing technical assistance to agencies which provide education programs

to handicapped children in the state. They also serve as a means of disseminating appropriate and uniform practices for use in meeting federal and state laws and regulations. In addition, an annotated directory listing tests appropriate for the areas of assessment needed to determine eligibility for placement is included with this set of materials.

2. Annually, the Bureau of Education for Exceptional Children, Kentucky Department of Education, will make on-site inspection visits to at least one-third of the local school districts as described in Section XV. In order to assure that testing and evaluation materials and procedures are selected and administered so as not to be discriminatory, visits will include the following:

   a. Observations of pupils in classroom settings and/or testing situations.

   b. Inspection of student records including evaluation data documenting need for services, parent permission for evaluation and placement, individual education programs and documentation of on-going assessment of pupil progress.

   c. Administrative review.

   d. Inservice training and recommendations when warranted.

   e. Examining records relating to the district's relationship with programs to which it refers pupils. This would include private organizations, KSB, KSD, and DHR programs.

   In addition, staff members of categorical divisions and field service consultants provide on-going consultation to and evaluation of programs operated by local school districts, private organizations, KSB, KSD, and DHR in an effort to assure conformity to state and federal regulations.

   A method of evaluating the educational programs provided by private organizations, KSB, KSD, and DHR has been developed. This is more fully described in Sections XV and XVI of this document.

   Particular care will be given during these evaluation visits to assure that educational agencies are implementing the procedures for evaluation and parental involvement in developing the IEP and thereby determining educational placement of the handicapped."

FY 1980 Requirements

The agency responsible for the provision of a free appropriate public education to the child shall insure the meeting of requirements for protection in evaluation procedures including both those instances when the agency conducts the evaluation with its own personnel and when evaluations are conducted by other agencies through contractual arrangements.

X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (613(a)(3))

Section 613(a)(3) of the Education of the Handicapped Act states that each State Plan shall "set forth consistent with the purposes of this Act, a description of programs and procedures for (a) the development and implementation of a comprehensive system of personnel development which shall include the inservice training of general and special educational instructional and support personnel, detailed procedures to assure that all personnel necessary to carry out the purposes of the Act are appropriately and adequately prepared and trained, and effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects and (b) adopting, where appropriate, promising educational practices and materials development through such projects."

The information provided in this section includes additions and modifications to the basic procedures described in the FY 1979 Annual Program Plan. In order to relate FY 1980 data, such as, needs assessment and provision of training, to FY 1979 policies and procedures, this section will not incorporate by reference.

In order to assure that qualified personnel are available to meet the requirements of Public Law 94-142, the Bureau of Education for Exceptional Children, Kentucky Department of Education, has initiated implementation of a comprehensive system of personnel development including a plan for personnel development which addresses both preservice and inservice training; a system for disseminating information on significant educational research and promising educational practices; assistance in the adoption of such practices; and consultation and technical assistance to public and private agencies which provide special education and related services to exceptional children and youth.

The primary activities pursuant to the establishment and maintenance of the comprehensive system of personnel development are as follows:

- Systematic personnel needs assessment;
- Identification and cooperative development and utilization of training resources, delivery systems, and diffusion processes;
- Ongoing review of current and pending legislation and regulation;
- Ongoing review of personnel standards;
- Systematic inter-agency communication;

- Evaluation of the comprehensive system for personnel development including activities related to the above issues; and

- Ongoing planning for personnel development based on results of the above activities.

Subsection A. Input and Participation

A committee for the Comprehensive System of Personnel Development was established in October, 1978, to advise and assist in the design, review and annual updating of the system. This committee includes representation of all agencies involved in the education of exceptional children, including the following: local school districts, parents of exceptional children, advocacy groups, the Department for Human Resources, public and private institutions of higher education, the Department of Education, and the Council on Higher Education. Local school district representation includes administrators, regular educators, and related services and support personnel. Representatives from teacher organizations are being recruited (see Appendix III for a list of the current committee membership).

The committee has established five task forces with membership which includes both committee members and others interested in the education of exceptional children. Any interested person may participate on a task force by contacting the Bureau of Education for Exceptional Children or a Committee member. The task forces are as follows:

Task Force on Needs Assessment

Task Force on Training Delivery Systems and Resources

Task Force on Legislation and Regulation

Task Force on Personnel Standards

Task Force on Inter-agency Communication

The primary purposes of the task forces are: (1) to review current practice related to each task force area; (2) to identify problem areas and model systems/procedures; and (3) to make recommendation for needed changes in each of the five areas. Appendix III includes the current workplan developed by each task force. Activities in these plans have been initiated and will extend into FY 1980. Each task force provides information and recommendations to the steering committee which is responsible for incorporating this input into unified personnel development plan.

A Standing Committee on Higher Education was established to work closely with the steering committee and all the task forces to plan for the cooperative development and utilization of college/university resources. This group is composed of the college/university chairpersons of Departments of Special Education and other college/university representatives on CCSPD. The standing committee has identified the following activities for FY 1980.

- Survey of research and demonstration projects in institutions of higher education;
- Examination of the number of students entering special education at the preservice level, and alternatives for attracting students in sufficient numbers to meet the identified needs of local school districts;
- Examination of procedures to facilitate increased cooperative planning among Institutions of Higher Education and between Institutions of Higher Education and the State education agency;
- Examination of training programs for paraprofessionals; and
- Examination of the use of the Multidisciplinary Model for training at the preservice and inservice levels.

The Standing Committee will meet in June, 1979 to delineate the objectives, activities, timelines and expected outcomes related to these areas. The committee is also cooperating with the Task Forces on Personnel Standards and Needs Assessment in identifying special education competencies needed by special and regular education personnel to adequately serve exceptional children.

The Committee for the Comprehensive System of Personnel Development meets on a quarterly basis. One of these meetings is scheduled for (a) orientation of new committee members, (b) review and evaluation of the system, and (c) review and evaluation of the Committee. (See Appendix III for a more detailed description of the Committee.) A formal evaluation tool is being developed to acquire data and provide feedback on the level of input, participation and effectiveness of the Committee.

Other approached utilized to elicit input and participation in planning for personnel development include:

- Presentation and comment session with the State Advisory Panel for Exceptional Children;
- Public hearings conducted as part of the Annual Program Plan review process;

- Conference sessions; and
- Dissemination of information to local school districts and other interested agencies and groups, for example, a series of articles on the Comprehensive System of Personnel Development will be submitted to EDNews, a Department of Education publication which reaches over 40,000 educators.

Comments and recommendations from all sources are incorporated when appropriate in the annual updating of the plan for the Comprehensive System of Personnel Development.

Subsection B. Roles and Responsibilities

Acknowledging that the roles and functions of the Department of Education, Institutions of Higher Education, and the local school districts are not entirely discrete, the major responsibilities of each agency, pursuant to the comprehensive system of personnel development are as follows:

Local school districts are responsible for (1) identifying both preservice and inservice needs through providing input to the annual training needs assessment through completion of the section on the Part B application dealing with the Comprehensive System of Personnel Development (described in Subsection C); (2) participating in activities designed to address training needs, e.g., conducting local workshops, and designing and implementing professional development plans as required by Kentucky Administrative Regulation 704 KAR 3:280 (described under State Funded Activities); (3) providing incentives to local personnel for participation in training; (4) cooperating in state dissemination exchange efforts including (a) the identification of promising programs and practices, (b) provision of relevant information about local innovative practices to the local linkage person, (Local linkage teams are described in the subsection on dissemination.) and (c) identification of local human resources and materials; (5) adopting when appropriate, promising educational practices and materials, and evaluating the effectiveness of the adopted model(s); and (6) maintaining documentation of efforts to accomplish the above.

This information will be reported on an annual basis as part of the EHA, Part B application. By Fall, 1980, local school districts will be required to submit a local plan of policies and procedures for personnel development based on the plan developed by the State Education Agency. To facilitate this activity, the Bureau of Education for Exceptional Children, through EHA, Part B Administrative funds, will conduct a workshop in Spring, 1980, for local school district representatives to cover (a) indepth review of the

State plan, and (b) assistance with developing local plans. Following State Department of Education approval, addendums to the plan may be submitted in conjunction with current data and information on the Part B application.

Institutions of Higher Education represent the major training delivery system in the state. In order to adhere to the basic principles adopted by the Council on Higher Education, which is the state agency responsible for administration of public Institutions of Higher Education in Kentucky, the college and university system is responsible for the planning and development of quality educational and research programs which insure the most effective and efficient use of available funds and other resources in higher education. Private accredited institutions report on programs to the Council of Independent Kentucky Colleges and Universities which cooperates with the Council on Higher Education to plan for programs to adequately meet the needs of the Commonwealth. In accordance with these goals, colleges and universities participate in cooperative planning for special education through representation on the Committee for the Comprehensive System of Personnel Development's Standing Committee on Higher Education. Kentucky's colleges and universities also provide inservice training and consultation in response to local school district requests. Seven universities participate in an inservice project funded through the Council on Higher Education, and include training for staff serving exceptional children in their delivery system.

The publicly supported institutions of higher education in Kentucky have been classified, by the Council on Higher Education, according to service population and role expectation. This classification system, representing the responsibilities of each institution (shown in Figure I at the end of this section) has implications for the Comprehensive System of Personnel Development, in regard to identification of the most appropriate agency(ies) for the delivery of training. For example, training of paraprofessionals could be provided at all of the colleges and universities including the community colleges (TYPE I), preservice and inservice training serving regional needs could be addressed primarily through TYPE III universities, and statewide personnel needs through TYPE IV and TYPE V.

The Kentucky Department of Education's major responsibility for the Comprehensive System of Personnel Development is to coordinate its design and implementation which entails carrying out all of the activities set out in the federal regulations pursuant to Section 613(a)(3) of Public Law 94-142. This includes: (1) annual assessment of preservice and inservice personnel needs; (2) development of a personnel development plan addressing both preservice and inservice needs and obtaining input to the plan from all involved agencies through the Committee for the Comprehensive System of Personnel Development and its' task forces; (3) provision for inservice training designed to address statewide needs of general and special instructional personnel, related services, and support personnel; (4) procedures to insure that needed personnel are qualified; (5) procedures for acquiring and disseminating information and assisting in the adoption of promising educational practices and materials; and (6) procedures for evaluating the system.

In addition, the Department of Education is responsible for the collection and dissemination of personnel needs data to colleges and universities for planning purposes; for providing direct services to local agencies requesting information on available personnel and resources; and for providing technical assistance and consultation to agencies involved in the education of handicapped children. The Department of Education also works cooperatively with the Department for Human Resources (see Section III) and other public and private agencies serving exceptional children to assist in the provision of plans in the six areas cited above. For example, a subtask group of the joint Kentucky Department of Education - Department for Human Resources Task Force is examining personnel needs for implementation of Public Law 94-142 in Department for Human Resources facilities.

Many activities carried out as a function of the Department of Education role in the comprehensive system of personnel development are funded through EHA, Title VI, Part D, e.g., delivery of training to meet statewide needs, and funding of the Committee for the Comprehensive System of Personnel Development and its task force activities. (Specific activities funded under Part D are described in Subsection D of this Section.)

Subsection C. Needs Assessment

Needs assessment is conducted annually in order to determine the projected number of personnel needed to serve exceptional children throughout the state, and the inservice training needs of personnel involved in the education of exceptional children.

Sources of information for needs assessment include the following: special education teachers, regular teachers, administrators, psychologists, speech-language pathologists, audiologists, physical education teachers, therapeutic recreation specialists, physical therapists, occupational therapists, medical personnel, parents, volunteers, hearing officers, surrogate parents, vocational educators, paraprofessionals (teacher aides), and educational diagnosticians.

Data on personnel are obtained through the following methods:

1. Certified personnel employed during any current school year in local school districts are identified through a computer program provided by the Division of Data Control, Department of Education. This data supplies a district total and a state total for each type of personnel, i.e., special education resource teacher, social worker, psychologist, etc., and totals for each area of exceptionality.

2. The projected number of new personnel needed by type and category of exceptionality for the next two school years is reported by local school districts on their EHA, Part B application (Appendix II, Section IV).

3. Non-public school facilities serving exceptional children report current number of personnel and projected number of personnel needed for the next two years by type and area of exceptionality on Bureau-initiated forms.

4. Local school districts report number of attritions for the preceding school year on their Part B application, and non-public school facilities report attritions on Bureau-initiated forms.

5. The Steering Committee of the Committee for the Comprehensive System of Personnel Development compiles data on the number of special education students (by preparation area) graduating from Kentucky colleges and universities' special education training programs each year.

Data from the preceding methods are correlated with child data and treated in the following manner: In projecting the number of teachers needed to meet the full educational opportunities goal, population census for ages birth (0) through twenty-one (21) is computed. Based on this total, estimated numbers of exceptional children are derived through the use of national incidence percentages for the various areas of exceptionality. These figures are divided by the recommended student-child ratios for exceptional child classes in Kentucky, yielding projected numbers of personnel. Data for types of programs, i.e., special class, resource room, itinerant, are classified according to percentages for each in the current year's total for each category of exceptionality. Related and support service personnel projections are currently based on local school district and other agencies' reports. The Committee for the Comprehensive System of Personnel Development will examine methods for obtaining these projections based on research statistics reflecting personnel-student ratios. Data on projected personnel for 1979-80 and 1980-81 are recorded on Tables 1A and 1B respectively. It should be noted that these numbers are estimated to meet the full educational opportunities goal (ages 0-21), while current Kentucky statutes mandate public education for ages five (5) through seventeen (17). However, there is an evident need for personnel in all service areas. Priority categories of need are discussed in Subsection E on Preservice Training.

There are several mechanisms within the State which are concentrating efforts toward increasing the number of personnel to serve exceptional children. The Bureau of Education for Exceptional Children has a continuing recruitment program with national advertising and utilization of college/university placement services. The Bureau acts as a clearinghouse by referring applicants and local school districts/agencies to appropriate positions open and personnel available. Two Bureau publications, Kentucky Graduating Special Education Teachers Available for Employment for 1979-80 School Year and Position Openings in Special Education Within the State of Kentucky for 1979-80 School Year (Section III, Subsection B), facilitate attempts to meet personnel needs. Other activities include: (1) use of EHA, Part B Discretionary funds (Section IV, State Share) for field-based training and consultation of personnel to serve severely handicapped children and/or unserved and inadequately served children in rural areas, (2) allowing certified teachers a one-year endorsement to teach a special class upon the completion of six hours of approved special education coursework, (3) exploration of alternatives for providing incentives to encourage personnel to return to school for special education certification, e.g., the WHAS Crusade for Children offers tuition scholarships for continuing education in exceptional child programs, and (4) examination of training and recruitment of paraprofessionals. The Bureau will also utilize the resource-base of effective educational practices/methods of providing exceptional child services in rural areas under development at Murray State Univerity.

Training needs assessment information is acquired in several ways:

1. Bureau Field Service Consultants' interviews with local school district personnel.
2. Results of monitoring and evaluation of local school districts and other agencies.
3. Bureau-initiated surveys and interviews with related services and support personnel, parents, etc.
4. Local school districts' reports of needs assessment results on their EHA, Part B application (Appendix II).
5. Needs assessment surveys and on-site visits of non-public school facilities, and review of the Department for Human Resources Developmental Disabilities Services Act (DDSA) Annual Plan.

The above information is collated according to the following: type of personnel, number of personnel, area of exceptionality, identified training need(s), location, and resources. Training needs which are not addressed by local school districts are first examined with relation to possible resources for local-based training, e.g., use of field service consultants, local college/ university personnel, etc. If local training resources are not available, regional programs and resources are examined, e.g., a comprehensive inservice program for regular educators from twenty (20) local school districts is directed by the Department of Special Education, Murray State University. Finally, those needs which are not being met through local or regional delivery systems are addressed from the State Department level. This is accomplished through the use of EHA, Part B Administrative funds, EHA, Part D Personnel Preparation grant application, Bureau of Education for Exceptional Children categorical consultant services, Cadre of Consultants, and other available state resources (Subsection D).

At each level, recommendation for prioritizing training needs is based on the full services goal for exceptional children; therefore, training activities target identified minimum competency needs in the following order: first, personnel serving exceptional children ages five (5) through seventeen (17) with the most severe handicaps within each disability area; second, personnel serving exceptional children ages five (5) through seventeen (17) who display mild/ moderate handicaps within each disability area; third, personnel serving exceptional children ages birth (0) through twenty-one (21).

To assist local school districts with identification of training needs and resources, the Bureau in cooperation with the Committee for the Comprehensive System of Personnel Development Task Force on Needs Assessment is developing comprehensive competency-based needs assessment instruments for all types of personnel and areas of exceptionality. These forms will focus on the competencies which personnel need to serve exceptional children in the various placement programs. This tool will also include items for individual response to preferred type(s) of training activity, desired level of training and other accomodations.

Local school districts will be requested to submit results of needs assessments and how they plan to meet the five (5) top priority needs as part of their Part B application (Appendix II). Bureau staff will analyze this data to identify unmet needs and alternatives for provision of training as described previously. On an annual basis, this information will assist in evaluating the effectiveness of planning and implementation mechanisms for training.

Plans for inservice training from the State level based on current needs assessment is discussed in Subsection D. Training activities which will be implemented through EHA, Part D, and EHA, Part B Administrative funds appear on Figure 3 and Table 2 at the end of this section. Figure 3 displays identified needs according to group(s) to receive training, number of personnel, and content area. Table 2 redistributes this information according to cluster training audience and level of training. The following Subsection describes these training activities.

Subsection D. Inservice Training

Inservice training activities are implemented by education agencies and Institutions of Higher Education as defined in 121a.380(a), i.e., "any training other than that received in a full-time program which leads to a degree." Personnel who may receive training include: special education teachers, regular teachers, administrators, psychologists, speech-language pathologists, audiologists, physical education teachers, therapeutic recreation specialists, physical therapists, occupational therapists, medical personnel, parents, volunteers, hearing officers, surrogate parents, vocational educators, paraprofessionals (teacher aides), and educational diagnosticians. Kentucky Administrative Regulation, KAR 158.070, specifies that local school districts provide for four (4) inservice days in their school calendar each year. This is a minimum requirement and many school districts supplement this with other activities or opportunities for personnel to attend out-of-district training. Within this framework, the districts' five (5) priority needs of personnel who serve exceptional children are addressed as stated in their EHA, Part B applications.

In addition, local school districts participate in regional training which is planned cooperatively, or offered by other agencies, or Institutions of Higher Education; for example, superintendents from six Eastern Kentucky county school districts have arranged a regional workshop for training administrators in August, 1979. Other regional activities established on an on-going basis include the Paducah Teacher Center programs, the Council for Higher Education Inservice project, and selected Title IV-C programs.

On the State level, inservice training needs are currently met through the following:

Activities funded by the State

Activities funded under EHA, Title VI, Part D

Activities funded under EHA, Part B

Activities funded under EHA, Part B Preschool Incentive Grant

Activities funded under EHA, Title VI, Part E (Child Service Demonstration Project)

State Funded Activities

As indicated, state funded activities for FY 1980 vary according to local and/or regional needs. Training is provided on a planned and request basis, and may be done by Bureau Field Service Consultants or Categorical Consultants. Kentucky Administrative Regulation, 704 KAR 3:280, Section I requires that each local board of education provide an individualized program of self-evaluation and professional improvement. Staff members of the Bureau of Education for Exceptional Children locate or provide information, materials, and resources which facilitate the implementation of individual professional development plans of local personnel serving exceptional children. Field Service Consultants also assist each district in identifying major training needs within the district; suggest alternatives for meeting those needs; and develop technical assistance agreements specifying measures the Bureau of Education for Exceptional Children will take to help meet identified training needs.

Training materials and workshop formats have been identified/developed in such areas as formal and informal assessment, due process, child find, full services, least restrictive environment, behavior management, multidisciplinary services, admissions and release committee functions and procedures, IEP development, and implementation and monitoring of IEP progress. Another major area of on-going training and technical assistance is parent/professional training in the rights and responsibilities of parents in their exceptional child's education. Following statewide summer 1979 training workshops, informational materials and training modules will be available through the Bureau. Training activities are developed in the following areas:

- Understanding P.L. 94-142 and Kentucky Regulations
- The Admissions and Release Committee Process
- The Helping Professionals and Your Records
- Planning the Individualized Education Program
- School/Parent/Community Involvement
- Resources for Exceptional Child Services

In addition, the Bureau of Education for Exceptional Children sponsors training sessions at the Bureau Annual Conference (Fall) and Bureau staff continue to participate in related service and support personnel conferences and workshops. The Deparmtent of

Education attempts to coordinate activities within its purview and cooperate with other agencies to insure that personnel are qualified "to carry out the purposes of P.L. 94-142"; for example, Bureau of Vocational Education training for vocational education personnel who serve exceptional children, the Bureau of Instruction Title IV-C Exceptional Child Projects, and Department for Human Resources Title I grant application dissemination procedures through Bureau of Education for Exceptional Children.

Part B Activities

Training activities provided through EHA, Part B Administrative funds address leadership training and technical assistance needs. Activities for FY 1980 include:

1. Regional workshops to train local school district administrative representatives in the Comprehensive System of Personnel Development and the design of local CSPD plans. Training will include: presentation and use of needs assessment instruments, examination of training resources on the state, regaional and local levels, guidelines for inservice training, effective methods for planning, conducting and evaluating training activities, development of long range plans for personnel development, and other relevant topics.

2. Inservice training for administrative personnel from local school districts regarding Kentucky Administrative Regulations and Due Process Procedures. This will involve the development of training modules including media, which can be adapted for use with other training audiences.

3. Training for Child Find coordinators from each local school district. In conjunction with parent training, sessions for Child Find coordinators will include guidelines and procedures for comprehensive Child Find efforts and a system for recording and reporting contacts and activities (see Section V).

4. Regional workshops for personnel serving the visually impaired. Training will include activities at the awareness, knowledge and skill practice levels, with follow-up assistance for classroom application.

5. Preschool Incentive Grant activities target early identification of and individualized programming for children who demonstrate high risk characteristics and/or need for special education and related services. Training under this grant is described in Section V of this plan.

6. Nine regional one-day workshops for local school district representatives on planning and completion of EHA, Part B applications. This training includes suggestions for fulfilling the requirements in each section of the application and direct assistance with individual district needs. More information on this training appears at the end of Section XVI, Subsection C.

Part D Activities

Through EHA, Part D funds, the state initiates/implements training activities which represent high priority statewide needs which are not being met at the local or regional level. Activities often consist of training for personnel serving low incidence handicapping conditions, training leadership personnel, and utilization of research models for adoption of promising programs and practices. Rationale, goals, objectives and timelines for Part D plans are detailed in the grant proposal submitted by the Bureau of Education for Exceptional Children.

Activities for FY 1980 are as follows:

1. Implementation and evaluation of Project SHIFTT (Severely Handicapped In-Field Teacher Training), a model for field-based personnel preparation for local school district personnel employed to teach severely multiply-handicapped children.

   Eleven (11) participants will be provided a program of instruction which includes three phases:

   I. Independent study and assessment of teaching skills during the 1979-80 school year.

   II. Summer (1980) training program with nine (9) hours of course credit.

   III. On-site supervision and instruction during the school year 1980-81.

2. Establishment of an Advisory Committee for the Education of Deaf-Blind Children to establish competencies needed by personnel and obtain/develop training material(s) on these competencies. A workshop for fifteen (15) teachers of the deaf-blind based on statewide distribution will train personnel utilizing the competency-based materials. These personnel will be targeted as resources for local school district training.

3. Training in a selected local school district which establishes model policies and procedures for gifted handicapped education. Inservice will include: (a) awareness training on the policies and procedures, characteristics of gifted handicapped children, and procedures for screening, making referrals, etc., and (b) three two-day workshops for diagnostic, instructional, and guidance personnel in assessment, determination of appropriate placement, and implementation of individualized educational programs.

4. A two-day workshop for parents and professionals from local school districts interested in establishing a "parents as partners" program. This is a follow-up to FY 1979 statewide parent training in the rights and responsibilities of parents of exceptional children. The "Parents as Partners" program will involve parents of severely handicapped children and teachers in cooperative implementation of the IEP, and open communication.

5. On-site training and consultation to leadership personnel teaching physical education to handicapped children. Efforts will target provision of adaptive physical education.

6. Establishment of a State Clearinghouse of materials for training personnel in the competencies needed to provide full and appropriate services for exceptional children. This activity will serve as a resource for training at all levels.

Part E (Child Service Demonstration Center)

The Central Kentucky Child Service Demonstration Center, funded under Title VI-E, has requested a no-cost time extension to September 30, 1979, in order to complete project products and activities. Training addresses the inservice needs of personnel and parents involved in the education of learning disabled youth in a ten county area of the state as specified in the grant application. FY 1980 activities will include dissemination of materials to other areas of the state, and workshops utilizing the multidisciplinary approach. The project is developing an inservice training program, Assessment and Remediation of Learning Problems, which consists of forty-three modules comprising nine training packages. They will be placed in the Bureau of Education for Exceptional Children Clearinghouse for inservice and preservices materials for loan or duplication and serve as the basis of workshops for teachers and parents. The areas covered in the training packages include:

Awareness

Multidisciplinary Assessment

Developing the IEP

Formal Assessment

Informal Assessment

IEP Implementation (Skill Areas)

IEP Implementation (General Strategies)

Assessment and Remediation - Secondary Level

Parent Training

The preceding narrative regarding State level inservice training activities for FY 1980 is summarized in Figure 4 which appears at the end of this section. Content includes: nature of training, audience, geographic coverage, objective(s), type of evaluation, funding source, incentive, and training source. Incentives for participation in inservice training include stipends, release time, take-home materials, leadership training certificates of recognition, and, less frequently, course credit and tuition assistance. Figure 5 at the end of this section contains timelines for FY 1980 training activities. Involvement of local staff is encouraged and incorporated into the planning, conducting, and evaluating of inservice activities initiated by the Bureau.

In planning for inservice training, state staff attempt to include utilization of innovative practices and materials which can be adopted on the local level (see Subsection F of this section). In addition, innovative practices are utilized for the inservice training. The two major effective innovative practices which will continue to be used for inservice training are a multiplier-effect training model, based on the SECDC model developed at the University of Iowa, and a field-based personnel preparation model, based on the Practice What You Preach model developed at the University of Kentucky. The utility of both of these models has been documented in reports by the investigators. The rationale for use of the multiplier effect model is that it allows for effective address of statewide training needs by a limited number of staff. In Kentucky, this model is utilized in two ways. The first and primary method is through the training of the Field Service Consultants who subsequently train local school district personnel. The second is through leadership training workshops in which participation is contingent upon a commitment to delivery of similar training when the participant returns to his/her local school district/agency. The rationale for the use of the field-based personnel preparation model is that it (1) offers opportunities for observers to remediate teacher behavior on-site, which helps to insure that teachers seeking endorsement have acquired the requisite competencies, and

(2) enables teachers to become fully endorsed without leaving their teaching posts. Other approaches under examination are the use of the Multidisciplinary Model in service provision and planning, implementing, and evaluating training and the EASE model (Murray State University) for delivery of inservice training to regular educators.

Subsection E. Preservice Training

At the preservice level thirteen colleges and universities in Kentucky offer special education programs. Figure 6 which appears at the end of this section shows the certification programs which have received full or administrative approval and are currently being offered by the institutions. To insure that personnel are adequately prepared, policies and procedures are instituted at the state level and at the college/university level. Within the Department of Education, the Division of Teacher Education and Certification administers state regulations, and policies and procedures relating to teacher education and certification. Colleges and universitites submit plans for proposed curricula including course objectives to this office for approval according to guidelines set forth by the Council on Teacher Education and Certification. The Bureau of Education for Exceptional Children has been invited to review and comment on proposals. Any reccomendations for changes in regulations are reviewed by the Council which transmits its recommendation(s) for adoption to the Kentucky State Board for Elementary and Secondary Education (KRS 161.025 and KRS 161.030).

Proposed changes in teacher education curriculum standards or certification may be presented to the Council's Committee on Special Education. Input is made through the following groups:

Task Force on Personnel Standards through the Committee for the Comprehensive System of Personnel Development

Teacher Education Division of the Kentucky Council for Exceptional Children

One priority need which has been addressed through this process is the need for preservice training of regular classroom teachers in the individualization of instruction for handicapped children. Certification requirements were changed to include a course approximating two semester hours in Human Growth and Development and Learning Theory which consists of "the study of principles and procedures for adapting educational programs to accomodate the integration of exceptional children in the regular classroom" (704 KAR 20:090). All colleges and universities must provide this course in the elementary curriculum. Innovative approaches to this requirement are in progress at three Kentucky universities through Dean's grant awards. Materials and instructional programs are being developed at the University of Kentucky, Eastern Kentucky University and Murray State University. The University of Kentucky project is also addressing the need for preservice training of administrative and related service personnel through interdisciplinary planning and training.

In 1978, other changes in certification standards broadened the scope of services for exceptional children. New certification standards were adopted for Severely/Profoundly Handicapped, Special Education Teacher Consultant and Director of Special Education. The certification category, Severely/Profoundly Handicapped, addresses several personnel priority needs as it allows for personnel to serve severely emotionally disturbed children and severely/profoundly mentally retarded children. This latter group includes children who exhibit attendant physical disabilities. In another certification area, Learning and Behavior Disorders, standards were broadened to prepare personnel to work with four areas of exceptionality: emotionally disturbed, learning disabled, orthopedically impaired, and mentally handicapped. This has assisted in meeting some of the personnel needs serving mildly handicapped children.

The projected numbers of personnel needed to meet the full educational opportunities goal (0-21) for 1979-80 and 1980-81 are recorded on Tables 1A and 1B at the end of this section. The procedure for deriving this data is explained in Subsection C of this section. It should be recognized that as the least restrictive environment mandate is effected, there will be shifts in the types of personnel needed, e.g., fewer special class teachers and more resource room teachers.

Personnel needs vary greatly among categories and local school districts. The highest preservice personnel priority is for teachers of emotionally disturbed children. Large numbers of teachers are also needed in the areas of specific learning disabilities, and multiple handicapped. Although there is a relatively small number of teachers needed for the visually handicapped, it is a priority in terms of percentage of children requiring services. The following summary shows the priorities for numbers of teachers needed and percentage of the population which requires services, beginning with areas which are the highest priority.

Priority: numbers needed	Priority: percentage served
Emotionally disturbed	Emotionally disturbed
Learning disabled	Orthopedically impaired
Orthopedically impaired	Hard of hearing/deaf
Hard of hearing/deaf	Health impaired
Health impaired	Learning disabled
Speech impaired	Visually impaired
Mentally handicapped	Speech impaired
Visually impaired	Mentally handicapped

Another area which should be addressed by preservice programs is the need for special educators at the early childhood level and for vocational education/secondary programs.

The results of the training needs assessment procedures discussed in Subsection C of this section form the basis for preservice as well as inservice planning. These results are provided to colleges and universities and to the Committee for the Comprehensive System of Personnel Development for planning purposes. Assessment of inservice needs has implications for content which should be provided in preservice programs while information on new personnel needs provides the basis for development and/or recruitment in the various categorical certification programs.

Subsection F. Dissemination

The following are procedures that Kentucky uses for acquiring, reviewing and disseminating significant information derived from educational research, demonstration and other projects to general and special educational instructional and support personnel, administrators of programs for exceptional children, and other interested groups including parent and advocacy organizations. Currently, activities are funded under the Kentucky Department of Education and EHA, Part B, Part D and Part E.

Bureau of Education for Exceptional Children goals related to dissemination and adoption of innovative practices encompass the (provision for) the following:

- A communication network including the various Departmental bureaus, offices and divisions, along with statewide agencies, school districts, and other interested groups in order to facilitate the sharing of resources and information related to the education of exceptional children;
- Coordination of diffusion efforts in designated priority areas;
- Organization, maintenance, and implementation of a plan to promote awareness, interest and utilization of informational services, resources, and promising programs and practices which will impact on school personnel, parents and other groups;
- Assistance in the development and dissemination of innovative practices produced by either research, product development, or demonstration projects related to the education of exceptional children.

System management policies and procedures for diffusion include: acquisition; storage; retrieval; product awareness, knowledge and interest; trial assistance; adoption assistance and evaluation and feedback (see Figure 7 at the end of this section).

The Bureau of Education for Exceptional Children utilizes an active selection process in acquiring materials to meet identified needs. On a continuing basis, Bureau staff receive and review literature and materials from diverse state and national sources. Various criteria guides are used for selection of materials for purchase. An evaluation form for reviewing educational research, demonstration and other projects is being developed. Other documents and materials are acquired through the Department of Education Materials Center, the Mid-South Regional Resource Center, the Appalachia Educational Laboratory, and reciprocal exchange agreements with other agencies and states. The RRC is currently assisting in locating IEP child-centered processes and program support operations awareness documents and products. Through the Committee for the Comprehensive System of Personnel Development Standing Committee on Higher Education, informational and inservice instructional materials on research and innovative programs and practices in institutions of higher education will be acquired for a Part D funded Clearinghouse. The Task Force on Inter-Agency Communication will develop procedures for systematic identification/location of training materials and projects of agencies involved in the professional development of personnel providing education and related services to exceptional children.

Storage and retrieval providers include the following:

1. Bureau of Education for Exceptional Children Resource Center. This reference library is housed within the Bureau for staff development and use in responding to informational and technical assistance requests. The resource room contains: SEA originated materials, periodicals, research reports, curriculum guides, program handbooks, and general reference documents.

2. Bureau of Education for Exceptional Children Clearinghouse. Part D funds will assist in the establishment of a clearinghouse for training materials (print and media) which have been developed in Kentucky, and are compatible with Kentucky's program and certification regulations, e.g., Child Service Demonstration Project training modules. Topical summary information sheets will be developed and available to all agencies involved in personnel preparation. Materials will be obtainable through loan and/or cost of duplication.

3. The Kentucky Department of Education Material Center. This professional library houses general as well as departmental reference documents, periodicals, and instructional materials for loan. The Bureau of Education for Exceptional Children has stored a substantial amount of books and materials related to the education of exceptional children in this library. The Center's holdings include: over 4,100 volumes, 89 regular journals, 50 newsletters, 36 association publications, 17 newspapers, 55 films, 360 media kits, 445 tapes, 400 curriculum guides and a complete set of ERIC indexes and microfiche documents. Validated innovative programs and practices will be filed in the ERIC system. Bibliographic hand and computer searches with access to 100 data bases are sent out free upon request.

4. The National Information Center for Special Education Materials. This data base system allows access to print and media materials related to the education of exceptional children. A master catalog which includes 36,000 abstracts is available in the Bureau Resource Center.

5. Libraries and Resource Centers. This service is available in Kentucky colleges and universities for preservice training.

Awareness and interest activities are conducted by the following methods:

- Conferences and Meetings - An annual two-day Fall conference sponsored by the Bureau of Education for Exceptional Children addresses a variety of topics and audiences, e.g., the 1978 Conference offered over 36 interest sessions to a statewide audience which included approximately 1500 local school district personnel, parents, college and university students and professors, and personnel from other related agencies and groups.

- Pamphlets, Brochures, Reports - These materials are developed to provide general information and descriptions of specific programs.

- Publications - Information on exceptional child programs appears in the state publication EDNews, a sixteen page monthly tabloid disseminated to 40,000 teachers and administrators, and Leaders' Lines, a weekly report on current programs.

- Radio and Television Programs - Bureau staff participate in the commercial broadcasts or "Education Speaks" and "New Shapes Education".

Various types of materials are developed for different target populations, e.g., handbooks and instructional resources for educational personnel, procedures manuals for administrators, and brochures and reports for consumers and interested agencies and organizations.

The Bureau of Education for Exceptional Children coordinates dissemination activities in cooperation with the Kentucky Department of Education, Unit for Dissemination, Office of Communication Services. A staff member from the Bureau of Education for Exceptional Children has been assigned to act as a liaison between this Bureau and the Unit for Dissemination.

In order to facilitate the communication of information to aid personnel in the improvement of educational programs and practices. the Bureau interfaces with the Unit of Dissemination network. This system is designed to maximize the exchange of program-related information. Three Area Dissemination coordinators located throughout the state perform the following operations:

- activate and provide inservice to local linkage teams;
- coordinate the flow of educational program and practice related information to linkage teams; and
- encourage and support educational innovation.

Local Linkage Teams consist of (1) a local linkage representative (selected by the local district superintendent), (2) a school linkage representative (one per school, usually the librarian), and (3) the district federal program coordinator. Local Linkage Teams perform the same functions in their districts as the Area Dissemination Coordinators do for their areas. In addition, the Local Linkage Teams identify educational innovations on the local level and pass this information on to the Unit for Dissemination for communication to other Linkage Teams. This model allows for feedback on the effectiveness of the system, and the spread of innovative practices.

Subsection G. Adoption of Innovative Practices

Through the dissemination system described in Subsection E of this section, information on innovative special education programs, practices and materials is provided to local school district personnel. The following methods will be employed to facilitate the establishment of innovative programs and practices. Consultation, technical assistance and training is provided by Bureau of Education for Exceptional Children program consultants and field service staff. The development of a cadre of consultants (see Subsection I of this section) will provide additional assistance in implementation efforts. Also, a resource file of college and university personnel with expertise in identified areas related to the education of exceptional children is disseminated annually through the cooperative efforts of the Committee on the Comprehensive System of Personnel Development and the Bureau of Education for Exceptional Children. These personnel will assist with identification of innovative practices for adoption; adaptation of the practices to meet agency need; and implementation and evaluation of the practices. National Diffusion Network programs also give training and follow-up in the adoption of exemplary programs.

Local school district personnel may visit other districts in which innovative programs and practices have been instituted to consider replication in their own district. Selected demonstrations of innovative practices and programs will be recorded on slide or video tape equipment to aid in local adoption of these programs. These activities are provided through state funds, a state capacity building grant from the National Institute for Education, and EHA, Part B Administrative funds.

Reassessment procedures will incorporate descriptive and formative evaluations from consultants and project personnel, and use of the State validation plan. Validation procedures will be established by the Office of Communication Services in Fall, 1979. Eight exceptional child programs have been identified and nominated for validation. They are currently described in the Important People and Programs file. Follow-up of long-term effects of adopted practices will be accomplished through monitoring and evaluation procedures (see Sections XV and XVI of this plan).

Another comprehensive effort to meet personnel preparation needs is the identification of human and material resources (see Subsection F of this section). Activities pursuant to this objective include:

- Resource File of Kentucky's College and University Faculty Personnel Who Teach or Provide Services in the Area of Special Education (Committee for the Comprehensive System of Personnel Development)
- Central Kentucky Directory of Services for Children With Learning Disabilities (Child Service Demonstration Center document)
- Related Education Service Information System (REIS) (Under development by Division of Field Services and Mid-South Regional Resource Center)

- Interagency Training Resource Network (Under development through Committee for the Comprehensive System of Personnel Development)
- Directory of Human Services (Kentucky Department for Human Resources document - see description in Subsection B.2 in Section V of this plan)
- Computerized Delivery System of Human Resources (Under development at Western Kentucky University)
- Local resource identification report on EHA, Part B application (Appendix II) and local Comprehensive System of Personnel Development Plan

Subsection H. Evaluation

A variety of evaluation techniques are employed to ascertain the extent to which training objectives and the overall effectiveness of the system are fulfilled. One procedure frequently utilized is the Discrepancy Evaluation Model. This procedure entails the development of a program design or standard; the identification of critical areas within the program to be evaluated; the development of an evaluation plan and instruments; and the analysis of discrepancies between the performance and the standard. Evaluation concerns specific to each objective to be met through the use of Part D funds were identified in the FY 1980 grant application. By compiling and analyzing the evaluative information to be collected for each objective, inferences on the effectiveness and efficiency of the programs as a whole can be drawn. In addition to the objective-specific questions, formative evaluation will be carried out. This evaluation will include the use of work breakdown structure checklists, attendance records, progress checks, and budget reviews. Appendix III includes evaluation designs and evaluation workplans for the FY 1980 training objectives.

Evaluation of the overall effectiveness of the comprehensive system of personnel development will be effected in the same manner. Specific evaluation procedures involve obtaining feedback from the Committee for the Comprehensive System of Personnel Development, local school districts, state-operated programs, and non-public organizations and schools. Objective data, e.g., numbers of personnel trained, gains in measured performance, and increased numbers of children served will also be collected and analyzed (see Appendix XI). Evaluation tools are being are being developed in the areas of needs assessment, coordination of training efforts, and dissemination. A Client Assessment Form will be used for evaluation of specific informational/service requests (see Appendix III). Formative evaluation will include comparisions of the Committee for the Comprehensive System of Personnel Development task force projected timelines with actual accomplishment of activities. Task force members will be requested to indicate constraints which inhibit the accomplishment of their objectives and action will be taken accordingly.

Evaluation of state-funded inservice training is conducted through analysis of workshop evaluations, follow-up observation and interviews, and records of inservice activities conducted by Bureau of Education for Exceptional Children staff. For example, in the period from July, 1978 to March, 1979 72 local school districts were provided inservice by Bureau of Education for Exceptional Children staff and 126 local school districts received consultative services. It should be noted that this reflects the number of districts receiving services, not the number of times services were provided in those districts. Evaluation of the Child Service Demonstration Center inservice training activities is conducted through the analysis of pre- and post-tests administered at each session and workshop evaluation forms completed by the participants at each workshop.

Subsection I. Technical Assistance

The Bureau of Education for Exceptional Children provides technical assistance to local school districts and other agencies to assist in the provision of appropriate full services for exceptional children, and the provision of procedures to assure that personnel are appropriately and adequately trained to serve exceptional children. Field Service consultants and categorical consultants are available throughout the year for technical assistance in areas such as: (1) procedures for compliance with P.L. 94-142, (2) identification of personnel needs, (3) identification of fiscal, human and material resources, (4) location, use and adoption of promising practices and materials, and (5) evaluation of personnel development activities. Field Service Consultants are located in eighteen (18) geographic regions of the state, and serve school districts and agencies within their respective regions. They are not part of the monitoring and evaluation team but furnish technical assistance for follow-up of monitoring and evaluation recommendations as described at the end of Section XV. Appendix III contains a detailed description of the types of services and assistance provided by the Division of Field Services.

In addition to the assistance provided through state funds, FY 1979 discretionary funds under EHA, Part B are being used to establish a cadre of consultants, drawing on college/university personnel, local school district personnel, Bureau of Education for Exceptional Children staff, Department for Human Resources staff and others, to meet the technical assistance requests of individual, public and private agencies providing special education and related services to exceptional children. The assistance provided through the cadre will be that which cannot readily be met through any of the previously discussed mechanisms alone.

For example, Part D activities address those needs which are high priority needs state-wide; the assistance provided through the consultant cadre will be responsive to individual personnel and programmatic needs which can best be met through combining the expertise of available resources. It is anticipated that the cadre will be especially effective in addressing assistance needs involving multidisciplinary and interagency planning and programming for handicapped children. FY 1980 EHA, Part B Administrative funds will be used to continue this source of technical assistance.

The establishment and maintenance of the cadre necessitates the following activities:

1. Development of selection criteria for consultants;
2. Recruitment of consultants to serve on the cadre;
3. Provision of training to the cadre to insure that all consultants are informed regarding Kentucky statutes, regulations and standards for exceptional children;
4. Assistance in the location and development of materials to be used for technical assistance purposes;
5. Development and dissemination regarding the availability and capability of the cadre; and
6. Coordination of the provision of services through the cadre.

Subsection J. Administration

The Comprehensive System of Personnel Development is administered by the Department of Education, Bureau of Education for Exceptional Children. Within the Bureau, specific responsibility for the design, coordination, and evaluation of training and dissemination efforts pursuant to the comprehensive system of personnel development is assigned to the Division of Supporting Services, Unit of Staff Development.

The Assistant Superintendent, Bureau of Education for Exceptional Children, and the Unit Director of Staff Development are ex-officio members of the Committee for the Comprehensive System of Personnel Development. As ex-officio members, it is their responsibility to assist the committee by collecting and disseminating needed information, making administrative arrangements for committee and task force meeting, providing secretarial assistance, soliciting committee recommendations, and forwarding them to the appropriate agencies. Although most of the activities are administered by the Division of Supporting Services, responsibility for some activities has been assigned to other divisions within the Bureau.

For example, the Division of Field Services has the primary responsibility for assessing inservice, consultative and technical assistance needs. As stated previously, however, primary responsibility for administration and coordination of the system has been assigned to the Division of Supporting Services. Procedures for administration of each component of the comprehensive system of personnel development, e.g., inservice training, are discussed in the subsection on that component.

To assure the implementation of the Comprehensive System of Personnel Development, a component of the Bureau monitoring and evaluation procedure will relate to personnel development. Monitoring activities include on-site visits, self-evaluation, and document review.

FIGURE 1

CLASSIFICATION FOR A SYSTEM OF KENTUCKY HIGHER EDUCATION

TYPE I Community Colleges	TYPE II Kentucky State	TYPE III Eastern Morehead Murray Northen Western	TYPE IV University of Louisville	TYPE V University of Kentucky
				Statewide Research and Service
			Urban Oriented Applied Research and Service	Health Sciences Programs
		Regional Applied Research & Service	Health Sciences Programs including Postdoctoral	Postdoctoral Programs
		Specialists Degree Programs	Specified Doctoral Programs	Doctoral Programs
	State Government Service	Masters Programs	Professional Programs	Professional Programs including Graduate
Technical Programs	Masters Programs	Baccalaureate Programs	Masters Programs	Masters Programs
Lower Division	Baccalaureate Programs	Technical Programs	Baccalaureate Programs	Baccalaureate Programs
Adult and Continuing Education	Adult and Continuing Education	Adult and Continuing Education	Adult and Continuing Education	Adult and Continuing Education

FIGURE

PERSONNEL DATA 1978-80

TYPE OF PERSONNEL	NUMBER OF QUALIFIED PERSONNEL 1978-79	NUMBER OF NEW PERSONNEL NEEDED 1979-80	TOTAL PERSONNEL NEEDED 1979-80	NUMBER OF PERSONNEL REQUIRING RETRAINING
(total unduplicated count)				
General Education				
Instructional	25,694	0	25,694	23,124
Support	11,071	100	11,071	9,963
Special Education				
Instructional	3,817	4,210	8,027	3,435
Related Service	513	3,047	3,560	461
Support	122	1,709	1,831	109

This table reflects only inservice activities planned by the Bureau of Education for Exceptional Children under EHA, Part B, D and E. It does not indicate training which will be conducted in response to requests from local school districts and other agencies, or local school district inservice programs. District inservice plans are reported on their Part B applications submitted for FY 1980.

FIGURE 3
AREA OF TRAINING

GROUPS REQUIRING TRAINING	CHILD IDENTIFICATION	ASSESSMENT PROCEDURES/NON-DISCRIMINATORY TESTING	ADMISSIONS AND RELEASE COMMITTEE PROCESS	RELATED/SUPPORT SERVICES	LEAST RESTRICTIVE AND MAINSTREAMING ENVIRONMENT	INSTRUCTIONAL AND INDIVIDUALIZATION OF INSTRUCTION PROCEDURES	USE OF INSTRUCTION MATERIALS	RIGHTS, RESPONSIBILITY & PARENT COUNSELING	INDIVIDUAL EDUCATION PROGRAMS	DUE PROCESS	STATE REGULATIONS AND STANDARDS	FEDERAL REGULATIONS	CCSPD
Special Education Instructional Personnel	200	525	200	900	550	900	900	465	980		215	200	
Regular Teachers	225	225	225	225	225	225	225	225	225	225	225	225	
Administrators	181		440					440		440	440	440	181
Psychologists													
Speech-Language Pathologists													
Audiologists													
Physical Education Teachers		150	150	150		150	150		150				
Occupational Therapists													
Medical Personnel													
Parents			225		225	175	50	225	225	225	225	200	
Volunteers													
Hearing Officers													
Surrogate Parents			100		100			100	100	100	100	100	
Vocational Educators													
Paraprofessionals (teacher aides)													
Educational Diagnosticians		25	25	25	25	25	25	25	25	25	25	25	
Physical Therapists													

* Training need priority reflected by number of personnel which will be trained.

FIGURE 4

FY 1980 INSERVICE TRAINING SUMMARY*
SCHOOL YEAR 1979-80

TRAINING ACTIVITY	CONTENT/NATURE OF TRAINING	TRAINING AUDIENCE	TRAINING OBJECTIVE	EVALUATION	TRAINING SOURCE	FUNDING SOURCE	INCENTIVE	GEOGRAPHIC COVERAGE
Project SHIFTT	Field-based training in competencies needed to serve severely handicapped children	Special Education Teachers	Acquisition of competencies in assessment, curriculum development, instruction and working with parents; and resulting in certification	Competency-based pre-post assessment and observation	University of Kentucky Faculty and Master Teacher	EHA, Title VI, Part D	Field Training Certification	Statewide
Parent/School Partnership	Workshop(s) on parents' role in their child's individual education program	Parents of severely handicapped children Local school district representative	Acquisition of knowledge/skills for effective parent participation	Pre-test/Post-test Evaluation form	BEEC LEA	Part D	Stipends	Statewide 181 districts invited Regional training
Deaf-Blind	Workshop(s) on planning and implementing educational programs Technical Assistance	Teachers of Deaf/Blind children	Acquisition of competencies in instructional programming	Needs Assessment Job Performance Post Assessment Interview	Advisory Committee of university faculty and other agencies	Part D	Stipends Release time Professional growth	Statewide - programs with deaf/blind children
Gifted Handicapped	Workshops on implementation of model policy/procedures	Diagnostic, instructional, guidance personnel	Awareness of characteristics, screening, making referrals Assessment, instructional programs	Pre-post tests Questionnaires Interviews Work samples	BEEC Outreach Project Chapel Hill, North Carolina	Part D Outreach Project	Stipends Release time Professional growth	Local school district
Learning Disabilities	Workshops on programming for elementary and secondary	Teachers of learning disabled children administrators	Acquisition of communication skills for total services	Pre-post tests	BEEC	Part E	Release time Professional growth	10 local school districts Regional training

*Activities under EHA, Part B, D, E funds. Local school district and state funded activities are not depicted here. These are described in Subsection D

FIGURE 4
(CONT'D)

INSERVICE TRAINING SUMMARY

TRAINING ACTIVITY	CONTENT/NATURE OF TRAINING	TRAINING AUDIENCE	TRAINING OBJECTIVE	EVALUATION	TRAINING SOURCE	FUNDING SOURCE	INCENTIVE	GEOGRAPHIC COVERAGE
Kentucky Regulations and Standards	Workshop(s) on interpretation of Kentucky requirements and how to implement	Administrators	Awareness and knowledge of components which must be followed in the administration of programs	Pre-post tests SEA monitoring and evaluation	BEEC	Part B Administrative Funds	Stipends	Statewide 181 districts invited Regional/local school district training
Comprehensive System of Personnel Development	Workshop(s) on CSPD requirements, how to develop, implement and use local plans	Administrators	Understanding of State CSPD plan and design of local plan	Interviews Questionnaires Submission of approvable local plan	BEEC	Part B Administrative Funds	Stipends	Statewide 181 districts invited Regional training
Child Find	Workshop)s) on procedures for conducting activities and community involvement	Administrators parents	Awareness of child identification techniques, understanding of processes from initiation to follow-up	Checklist Records on activities Child data reports	BEEC	Part B Administrative Funds	Stipends	Statewide 181 districts invited Regional training
Part B Application	Workshop(s) on interpretation and completion of EHA, Part B application	Administrators	Understanding of requirements and resources for completion of Part B application	Application submitted in approvable form	BEEC	Part B Administrative Funds	Release time Assistance with State/Federal requirements	Statewide 181 districts invited Regional training
Visually Impaired	Workshop on standards, identification and programming for all levels	Teachers of visually impaired Regular education teachers	Awareness and knowledge of standards, identification techniques, and instructional programming	Pre-post tests	BEEC Other Consultants	Part B Administrative Funds	Stipends Professional Growth	Statewide 181 districts invited Regional training

PROJECTED TIMELINE FOR FY 1980
INSERVICE TRAINING ACTIVITIES

FIGURE 5

TRAINING ACTIVITY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY
PROJECT SHIFTT			assess participant competencies→						deliver training→			
DEAF-BLIND			assess competencies→				develop materials→			workshop→		follow-up
PARENT/SCHOOL PARTNERSHIP			→collect input on training needs→					develop training→				worksop
GIFTED HANDICAPPED	adoption of policy/procedures→			workshops→		identification of students→		implementation of program→		evaluation		
KENTUCKY REGULATIONS AND STANDARDS			workshop→	technical assistance— and workshops→								
COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT	inform LEAs at Part B workshop→				provide assistance→				workshops→			
PART B APPLICATIONS	workshops→		applications submitted→				technical assistance→					
CHILD FIND	needs assessment→		workshop→	provide assistance, materials, training→								evaluation
LEARNING DISABILITIES		workshops→		dissemination of training packages→								
VISUALLY IMPAIRED	needs assessment→					workshops→			technical assistance→			

College/University Personnel Preparation Programs

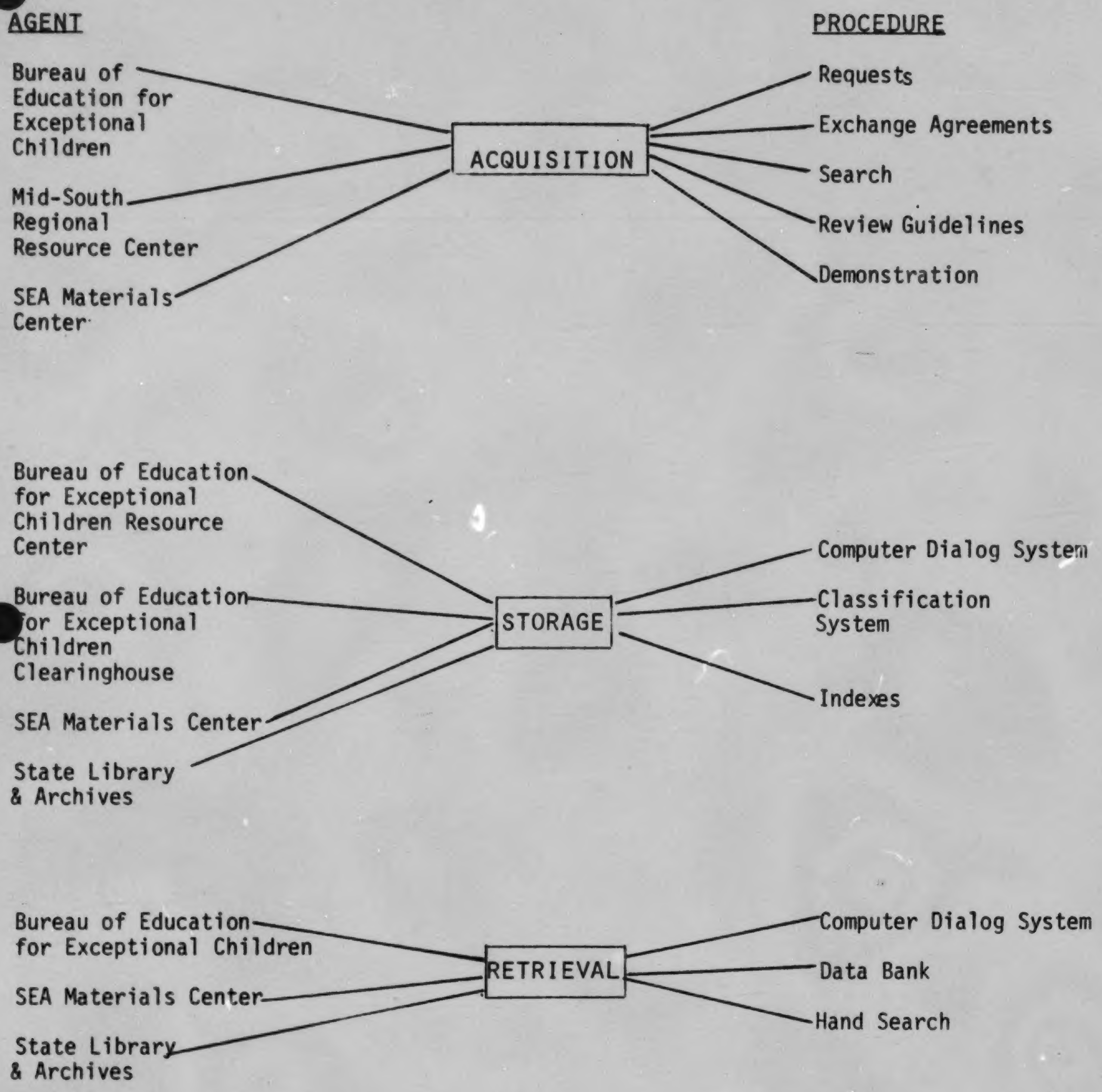
Figure 6

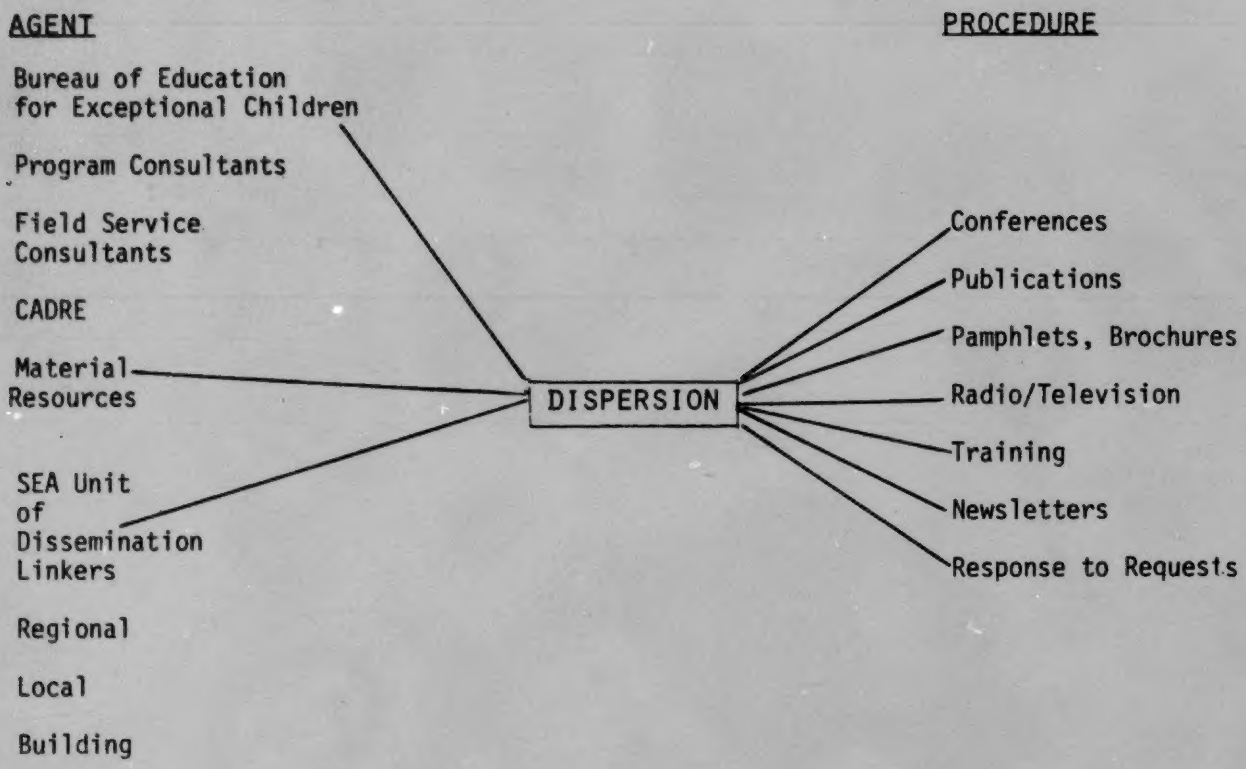
Certification/Endorsement Programs

College/University	Learning and Behavior Disorders	Speech and Communication Disorders	Trainable Mentally Handicapped	Multiple Handicapped	Deaf and Hard of Hearing	Visually Impaired	Supervisor of Special Education	Director of Special Education	Teacher Consultant
Bellarmine College	X	X							
Brescia College	X	X	X	X					
Cumberland College	X		X						
Eastern Kentucky University	X	X	X		X			X	X
Morehead State University	X		X						
Murray State University	X	X	X	X			X		
Northern Kentucky University	X								
Pikeville College	X		X						
Spalding College		X							
Union College	X								
University of Kentucky	X	X	X	X			X		
University of Louisville	X	X	X		X	X			
Western Kentucky University	X		X						

FIGURE 7

DISSEMINATION PROCESS


AGENT
PROCEDURE
Bureau of Education for Exceptional Children
Mid-South Regional Resource Center
SEA Materials Center
ACQUISITION
Requests
Exchange Agreements
Search
Review Guidelines
Demonstration
Bureau of Education for Exceptional Children Resource Center
Bureau of Education for Exceptional Children Clearinghouse
SEA Materials Center
State Library & Archives
STORAGE
Computer Dialog System
Classification System
Indexes
Bureau of Education for Exceptional Children
SEA Materials Center
State Library & Archives
RETRIEVAL
Computer Dialog System
Data Bank
Hand Search


AGENT
PROCEDURE
Bureau of Education for Exceptional Children
Program Consultants
Field Service Consultants
CADRE
Material Resources
SEA Unit of Dissemination Linkers
Regional
Local
Building
DISPERSION
Conferences
Publications
Pamphlets, Brochures
Radio/Television
Training
Newsletters
Response to Requests

Part B - Data Table #1A

Project Number of Personnel (in Full Time Equivalents) Needed to Meet the Full Educational Opportunities Goal for Handicapped Children in the 1979-80 School Year*

PERSONNEL	Teachers of Special Education (1)	Resource Room Teachers (2)	Itinerant/Consulting Teachers (3)	Psychologist (4)	School Social Workers (5)	Occupational Therapists (6)	Home Hospital Teachers (7)	Speech Pathologists (8)	Audiologists (9)	Teacher Aides (10)	Vocational Education Teachers (11)	Work-Study Coordinators (12)	Physical Education Teachers (13)	Recreation Therapists (14)	Diagnostic Staff (15)	Supervisors (16)	Other Non-Instructional Staff (17)	TOTAL (of columns 1 - 17 (18)
TOTAL (a)	5135	2400	505	197	164	39	198	114	33	1343	115	46	1831	27	306	275	215	12943
MENTALLY RETARDED (b)	2451	36	32															
HARD OF HEARING (c)	301	221	81															
DEAF (d)																		
SPEECH IMPAIRED (e)		499	31															
VISUALLY HANDICAPPED (f)	98	28	17															
SERIOUSLY EMOTIONALLY DISTURBED (g)	752	421	139															
ORTHOPEDICALLY IMPAIRED (h)	124	144	47															
HEALTH IMPAIRED (i)	85	148	15															
SPECIFIC LEARNING DISABILITIES (j)	910	840	143															
DEAF-BLIND (k)	13																	
MULTIHANDICAPPED (l)																		

*State categories include deaf under hard-of-hearing and multihandicapped under visually impaired, health impaired and mentally retarded, see narrative in Subsection E for discussion of personnel needs.

Part B - Data Table #1B

Project Number of Personnel (in Full Time Equivalents) Needed to Meet the Full Educational Opportunities Goal for Handicapped Children in the 1980-81 School Year*

PERSONNEL	Teachers of Special Education (1)	Resource Room Teachers (2)	Itinerant/Consulting Teachers (3)	Psychologist (4)	School Social Workers (5)	Occupational Therapists (6)	Home Hospital Teachers (7)	Speech Pathologists (8)	Audiologists (9)	Teacher Aides (10)	Vocational Education Teachers (11)	Work-Study Coordinators (12)	Physical Education Teachers (13)	Recreation Therapists (14)	Diagnostic Staff (15)	Supervisors (16)	Other Non-Instructional Staff (17)	TOTAL (of columns 1 - 17 (18)
TOTAL (a)	5879	4488	1432	256	213	50	257	148	43	402	149	59	2380	108	397	357	279	22776
MENTALLY RETARDED (b)	1604	1150	245															
HARD OF HEARING (c)	631	150	7															
DEAF (d)																		
SPEECH IMPAIRED (e)		1151																
VISUALLY HANDICAPPED (f)	552	52	271															
SERIOUSLY EMOTIONALLY DISTURBED (g)	579	631	147															
ORTHOPEDICALLY IMPAIRED (h)	1013	302																
HEALTH IMPAIRED (i)			658															
SPECIFIC LEARNING DISABILITIES (j)	1500	1052	79															
DEAF-BLIND (k)			28															
MULTIHANDICAPPED (l)																		

*State categories include deaf under hard-of-hearing and multihandicapped under visually impaired, health impaired, and mentally retarded.

TABLE 2

Projected Number of Persons to Receive Inservice Training*
During the 1979-1980 School Year**

	Training Audience *							
Type of Training	regular classroom teachers	special education teachers	teacher aides	parents	support personnel (psychology, social workers, health personnel, physical education, etc.)	administrators	operations personnel secretarial, clerical, maintenance, transportation, food service)	other (specify)
1. Awareness	350	265		150	100	400		
2. Knowledge	350	800		150	100	400		
3. Skill Practice	200	300		100	50	400		
4. Skill Application	100	300		100	50	400		

**See attached definitions

*This table shows training planned under EHA, Part B, D, and E. It does not reflect state-funded training or local school district inservice training.

DEFINITIONS TABLE 2

It is assumed that an individual is entitled to a series of inservice training programs which allow that person to execute his/her responsibilities under P.L. 94-142. A program is defined as a single workshop or session, or a series of workshops or sessions related to the following four types of training:

1. Awareness Training. This type of training focuses primarily on attitudinal change. Included in this category are training sessions which include public relations type of information such as informing school personnel and the public about P.L. 94-142, and sensitizing the audience about the needs and skills of handicapped children.

2. Knowledge Training. This type of training focuses primarily on cognitive change. In contrast to type (1) training, type (2) training is of a longer duration, the information is more detailed, and the participants are expected to retain the information. Some examples of topics appropriate for this category of training are: characteristics of children with one or many types of handicapping conditions; due process procedures; education in the least restrictive environment; individual education programs, classroom management, etc.

3. Skill Practice. This type of training usually follows type (1) and (2) training. The training focuses on producing behavioral change in the participant in a controlled setting such as a practicum or lab situation. In many instances the trainee will actually work with handicapped children, or parents, or school staff as an integral feature of this type of inservice training.

4. Skill Application. This type of training also focuses on behavioral change. In contrast with type (3), type (4) emphasizes behavioral change which is learned and demonstrated in the trainees own work environment, in their current position, in their own school.

NOTE: Many SEAs focus their inservice training at types 1 and 2 with the understanding that types 3 and 4 training is the responsibility of Regional Centers, Intermediate Units, or other LEAs. In the narrative (Comprehensive System of Personnel Development), please described the SEA's involvement with other inservice providers in the State, and how their training relates to the training directly sponsored by the SEA.

XI. PARTICIPATION OF PRIVATE SCHOOL CHILDREN (613(a)(4)(A))

Section 613(a)(4)(A) requires that the Annual Program Plan "set forth policies and procedures to assure...that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under (Part B) by providing for such children special education and related services."

A. The following policies and procedures regarding the participation of private school children are incorporated by referenced from the Fiscal Year 1979 Annual Program Plan. In order to assist the public in its review of this current year's plan, these policies and procedures from the FY 1979 Plan are quoted below. Appendix citations refer to appendix which accompanied the Fiscal Year 1979 Plan rather than the appendixes which accompany this plan. Revision to these policies and procedures appear at the end of this section under the heading, Fiscal Year 1980 Requirements.

Section Incorporated by Reference from the FY 1979 Plan

"Section 189 of the Constitution of the Commonwealth of Kentucky provides:

> 'No portion of any fund or tax now existing or that hereafter be raised or levied for educational purposes, shall be appropriated to, or used by, or in aide of, any church, sectarian or denominational school.'

Several opinions from the Attorney General have upheld the intent of the law. OAG 74-331, 74-660, 74-914, and 75-639 (Appendix XIV) have all declared that the legal basis by which non-public and/or private school children may participate in educational programs provided through the public school system would be through a dual enrollment plan which meets the requirements of 'Straight Shared-Time.'

Handicapped children who are presently attending non-public or private schools who are not receiving an adequate education appropriate to their needs may request such through the public school system. The local school district must provide genuine opportunities to handicapped children in private schools to participate in special education and related services consistent with the number of those children and their needs. Services may be provided through the use of federally funded projects for handicapped children such as provided under Vocational Education. Vocational Rehabilitation, 89-313 and EHA-B following the guidelines of the program regulations, eligibility criteria and due process procedures as required for all exceptional children.

Implementation of this provision, by necessity, must be primarily carried out at the local level requiring much cooperation and coordination on the part of administrative personnel of both educational agencies as well as parental understanding. Local school superintendents have been informed as to their responsibility in this regard. Bureau of Education for Exceptional Children staff and other staff members from various Bureaus within the Kentucky Department of Education, have delivered technical assistance and advisement to local school districts in negotiating service provisions and interpreting state and federal laws to assure the delivery of services to handicapped children in private schools."

Fiscal Year 1980 Requirements

The following information regarding participation of private school children is included with the FY 1980 EHA-B application forms (Appendix II) which go to each local school district:

1. Local school districts must describe how children within the district and in other public and non-public agencies are identified, located, and evaluated.

2. Local school districts are required as part of the application to insure that the following requirements are met in regard to exceptional children enrolled in private school through means other than local school district referral and placement: (121a.450-460)

   "a. Special education and related services are provided and designed to meet the needs of private school exceptional children residing in its jurisdiction.

   b. Private school exceptional children are provided with genuine opportunities to participate in special education and related services consistent with the number of those children and their needs.

c. The needs of private school exceptional children, the number of them who will participate, and the types of special education and related services which the local school district will provide for them are determined after consultation with persons knowledgeable of the needs of these children, on a basis comparable to that used in providing for the participation of exceptional children enrolled in public schools.

d. If services provided to private school exceptional children are different from those provided public school exceptional children:

   1. The differences are necessary to meet the special needs of the private school exceptional children, and

   2. The special education and related services are comparable in quality, scope, and opportunity for participation to those provided to public school children with needs of equal importance.

e. Public school personnel funded through EHA, Part B may be made available in other than public school facilities only to the extent necessary to provide services required by the exceptional children for whose needs those services were designed, and only when those services are not normally provided by the private school with the agency maintaining administrative and direction over those services.

f. EHA Part B funds used to pay for services to exceptional children enrolled in private schools shall not include:

   1. The payment of salaries to teachers or other employees of private schools except for services performed outside their regular hours of duty and under public supervision and control; or

   2. The construction of private school facilities.

g. When EHA Part B funds are used to purchase equipment:

   1. Equipment acquired with funds under Part B of the Act may be placed on private school premises for a limited period of time, but the title to and administrative control over all equipment must be retained and exercised by a public agency.

2. In exercising administrative control, the public agency shall keep records of and account for the equipment, and shall insure that the equipment is used solely for the purpose of the program or project, and remove the equipment from the private school premises if necessary to avoid its being used for other purposes or if it is no longer needed for the purposes of the program or project.

h. EHA Part B funded programs or projects carried out in public facilities, and involving joint participation by eligible exceptional children enrolled in private schools and exceptional children enrolled in public schools, may not include classes that are separated on the basis of school enrollment or the religious affiliations of the children.

i. Regarding the use of EHA Part B funds,

1. Funds provided under Part B of the Act and properly derived from those funds may not go to the benefit of any private school.

2. Provisions of serving private school exceptional children may not include the financing of the existing level of instruction in the private schools."

Monitoring of the above activities in carried out through the monitoring evaluation and report process established for EHA-B projects.

XII. PLACEMENT IN PRIVATE SCHOOLS (613(a)(4)(B))

Section 613(a)(4)(B)) states that the Annual Program Plan must "set forth policies and procedures to assure . . . that (i) handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized education program as required by Part B) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local education agency as a means of carrying out the requirements of Part B or any other applicable law requiring the provisions of special education and related services to all handicapped children within such State, and (ii) in all such instances the State Education Agency shall determine whether such schools and facilities meet standards that apply to State and local education agencies and that such children so served have all the rights they would have if served by such agencies."

Policies and regulations regarding the placement of exceptional children in private schools which were cited in the Fiscal Year 1979 Annual Program Plan are hereby incorporated by reference. To assist the public in its review of the current year's plan, this section from last year's (Fiscal Year 1979) is quoted below. Appendix citations refer to appendixes which accompanied the Fiscal Year 1979 plan rather than the appendixes which accompany this plan.

Section Incorporated by Reference from FY 1979 Plan

> "Legislative authority for the placement of handicapped children in private organizations if found in KRS 157.280 (Appendix II). As specified in 707 KAR 1:051, the placement of or contraction for educational services shall be done through the Administrative Admissions and Release Committee process within the district of the child's residence; therefore, all of the requirements specified under the administrative regulations and the due process right guaranteed therein apply (Appendix III).
>
> In order that the State Department of Education may assure that such schools and facilities meet these required standards, 707 KAR 1:070 (Appendix III) established the process whereby programs for exceptional children may be approved. This regulation specifies that: Referral and placement of exceptional children in approved private organization educational programs by local school districts shall be provided consistent with 707 KAR 1:051. The educational program provided shall:

(1) be in conformance with the Individual Education Program developed for each child,

(2) be at no cost to the parent(s),

(3) insure that services provided meet standards that apply to state and local educational agencies,

(4) afford all children served in private schools (ages 3 through 21) all the rights of an exceptional child who is served in a local school district.

Implementing procedures have been established for the approval of private organizations (non-public schools) and have been in operation since Spring, 1978 (Appendix XVI). These procedures take the form of a non-public school approval packet. Private organizations seeking approval of programs shall submit a formal request to the State Department of Education. Incorporated within the request shall be a description of the educational program including the following information:

(1) Brief resume of each administrative position.

(2) Statement relating to qualifications of teaching staff.

(3) Statement of whether the private organization conducts a program for day or residential pupils or both.

(4) Statement of the school term under which the private organization's program operates.

(5) Statement of the length of the school day

(6) Statement of the private organization's program enrollment capacity.

(7) Statement of the private organization's criteria.

(8) Statement of the private organization's admission criteria.

(9) Statement of the private organization's rate structure.

(10) Outline of the private organization's education program related to the requirements of the appropriate section of Kentucky Administrative Regulations and the Bureau of Education for Exceptional Children Standards for each area of exceptionality for which approval is sought.

The Bureau has initiated dissemination of this packet and has begun reviewing non-public school programs requesting approval. Through this approval process, a mechanism has been established to insure that the programs offered to handicapped children referred to and placed in private organizations meet federal requirements and state education standards.

When a local school district does not provide a special education program for a specific exceptionality and finds it necessary to contract with another school district or a private organization, an administrative policy under the legislative authority of KRS 157.280 has been established by the State Department of Education stipulating maximum allowable amounts of tuition per exceptionality. The Minimum Foundation Program enacted by the 1978 General Assembly includes the following Provision:

> 'If a local school district through its admissions and release committee determines that the most appropriate and least restrictive individual educational program for a particular handicpaped child includes either part-time or full-time enrollment with a private school or agency, then the school district shall count this as average daily attendance in public school the time that such child is in attendance at such private school or agency.'

As the right of all school age handicapped children to a free, appropriate public education is guaranteed in Kentucky, if that child is offered such a program by a local school district and the program is readily accessible to the child's home community, if the parents refuse these services in favor of a private school placement, the parents shall assume full financial responsibility for the child's education (Appendix XIV, OAG 74-660, page 4).

Any controversy between the parents and a local school district regarding placement of a child in a private school and/or who is financially responsible would be resolved through due process procedures (Appendix VII).

State standards and revisions of such are public knowledge and available upon request by any citizen of the Commonwealth through the Bureau of Education for Exceptional Children and the Legislative Research Commission. Development of such includes solicitation of input and review comments from many and various advisory and advocacy groups which include representatives of local school district's, universities, other public agencies, and non-public and private schools.

B. The State Department of Education in Kentucky is committed to the concept of working through the local school district, and in most areas, the population is of the size and nature that the public, non-public and private schools have established channels of communication. The promulgation of standards regarding the approval of education programs and placement of children in private schools has been facilitated through workshops and meeting with local school superintendents.

Included with the instructions of the EHA, Part B application which went to every local school superintendent in Kentucky was the following requirement: a handicapped child who is placed or referred to a private school or facility by the local school district must be provided special education and related services in conformity with all the rights of a handicapped child served by a public school district including:

(1) an individual education program

(2) at no cost to parents or guardians

(3) in a facility approved by the State Department of Education

Monitoring activities that are undertaken to assure the implementation of the placement in private schools include on-site evaluations by the Bureau of Education for Exceptional Children staff as outlined in the Non-Public School Approval Packet. These also include the annual review of IEPs and annual program evaluation conducted by the Administrative Admissions and Release Committee of the Child's district of residence as specified in 707 KAR 1:051. The local school district,

> in compliance with school laws of Kentucky, will maintain the responsibility for the monitoring and will assure that the quality of the educational program is satisfactory and that all procedural safeguards have been met. Enrollment and attendance of pupils shall be reported to the local board of education on forms approved by the Kentucky Department of Education."

FY 1980 Requirements

The Kentucky Department of Education assures the implementation of requirements cited in this section through the following additional procedures. The monitoring procedures described earlier in this section include the dissemination of applicable laws, regulations and standards to each private school and facility to which a public agency has referred or placed a handicapped child. These written documents are reviewed with private agency personnel and serve as the basis for non-public (private) school approval. Private schools and facilities are also provided an opportunity to participate in the development and revision of State standards which apply to them. This is accomplished through dissemination of proposed regulations, plans, standards, and other relevant documents to all approved private schools and other private groups. Additional measures which have been undertaken in the past include the following. A statewide workshop for private school and facility staff was conducted in March 1979 dealing with state and federal laws, regulations and standards related to educational programs for exceptional children. Also, the Bureau of Education for Exceptional Children is currently revising procedures for non-public (private) school approval. This effort has included involvement of private school personnel, parents, local school district and other agency personnel through the dissemination of written material and solicitation of written reactions and through a statewide meeting in June, 1979. Activities and procedures such as these will be continued.

XIII. RECOVERY OF FUNDS FOR MISCLASSIFIED FUNDS (613(a) (5))

A. The policies and procedures concerning the recovery of funds made available for the education of children determined to be misclassified are hereby incorporated by reference from the Fiscal Year 1979 Annual Program Plan. To assist the public in its review of the current year's plan, this section from last year's plan (Fiscal Year 1979) is quoted below. Appendix citations refer to appendixes which accompanied the Fiscal Year 1979 plan rather than the appendixes which accompany this plan.

> "In order to assure the recovery of Part B funds made available to any child who is determined to be erroneously classified as eligible to be counted, Kentucky has in effect the following measures.
>
> A Due Process Policy and Procedure Manual (Appendix VII) has been formulated and adopted by the State Board of Education as a Regulation. This document establishes a procedure for a hearing to be held before a State Department of Education appointed hearing officer who has no connection with the school district or the child involved. By further regulation and in compliance with the consent decree, the State Board of Education has promulgated a regulation which establishes an appeals procedure to the Department of Education. If on this appeal, it is determined that there has been a misclassification of a child, the Superintendent of Public Instruction may order that the child be placed under the appropriate program. Failure of a local school district to comply with this lawful order of the Superintendent of Public Instruction with appropriate procedures and safeguards regarding the identification, evaluation and placement of exceptional children could result in the proceeding with the provisions of KRS 157.224(2) (Appendix II). This statute provides the authority for the withholding of minimum foundation payments and EHA, Part B funds to the local school districts if they fail to operate programs which are in accordance with the state's plan. Recovery of funds may be made by the State Department of Education from local school districts when said funds 'have been erroneously or improperly allowed or paid to any person'. Section XVI of this document includes complaint procedures and monitoring activities that the State will undertake to retrieve funds made available for erroneously classified children. In addition, KRS 156.210 (Appendix II) provides for taking civil action against any local district which misuses funds allocated to it.

In addition, the entire program is subject to audit by HEW audit teams. If they determine that misclassifications have occurred, they could recommend charging back against the State of Kentucky from future grants an amount as is appropriated to a misclassified child. This, of course, is subject to due process including hearing at the federal level.

The monitoring activities that will be undertaken to identify children that have been misclassified are specified in previous sections of this document. The sections include Policy on Priorities, Child Identification, Individual Education Programs, and Protection and Evaluation Procedures."

XIV. HEARING ON LOCAL SCHOOL DISTRICT APPLICATION (613(a)(8))

Section 613(a)(8) states that the Annual Program Plan must "provide procedures to assure that the final action with respect to any application submitted by a local education agency or an intermediate education unit shall not be taken without first affording the local education agency or intermediate education unit involved reasonable notice and opportunity for a hearing".

The policies and procedures concening a hearing on a local district application is hereby incorporated by reference from the FY 1979 Annual Program Plan into this plan. To assist the public in its review of the current year's plan, this section from last year's plan (Fiscal Year 1979) is quoted below.

Section Incorporated by Reference From FY 1979 Plan

"A. Consistent with this mandate, the Kentucky State Board of Elementary and Secondary Education approved the following on June 5, 1979. Application for funds under EHA, Part B will receive favorable consideration provided that proposed projects are in compliance with Kentucky Administrative Regulations and assurances required by P.L. 94-142 are met. In the event that the State Department of Education and the local school district will have the right to a hearing concerning the approval of the application.

B. The following procedures are to be followed for a hearing involving action on a local school district's application:

1. The superintendent of the local school district may submit a written request for hearing before that State Board for Elementary and Secondary Education to the secretary of the said board.

2. The secretary of the board shall notify the chairman of the board by a written request for hearing. The chairman of the board at his/her discretion may place the matter on the agenda of the next regular or special meeting or may designate a hearing officer to hear the matter.

3. If a hearing officer is designated, he/she shall make finding of fact, conclusions of law and recommendations to the board for presentation to the board at its next regular or special meeting.

The State Department of Education will make every attempt to resolve any disagreements through informal means in order to alleviate the need for a formal hearing. However, a local school district will not be denied a formal hearing on the basis of failure to attempt to resolve the disagreement through informal means. Informal means utilized by the Bureau of Education for Exceptional Children include workshops and technical assistance to individual school districts."

XV. ANNUAL EVALUATION (613(a)(11))

Section 613 (a)(11) requires the Annual Program Plan to "provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children (including evaluation of individualized education programs) in accordance with such criteria that the Commissioner shall prescribe to (the Act)."

Subsection A. Procedures established in the FY 1979 Annual Program Plan regarding annual evaluation will be followed in FY 1980. Although there is no substantial change in these procedures, these procedures are restated in this year's plan with updated information included to reflect the current status of annual evaluation procedures.

Subsection B. The following is a description of the procedures which are utilized by the Bureau of Education for Exceptional Children, State Department of Education, in order to annually evaluate the effectiveness of educational programs provided in all educational agencies for handicapped children within the Commonwealth of Kentucky. These procedures are used to evaluate adherence to both state and federal mandates. Among the components of the evaluation process is evaluation of individual education programs. This particular component of the evaluation process is more fully described in Section VI of this document.

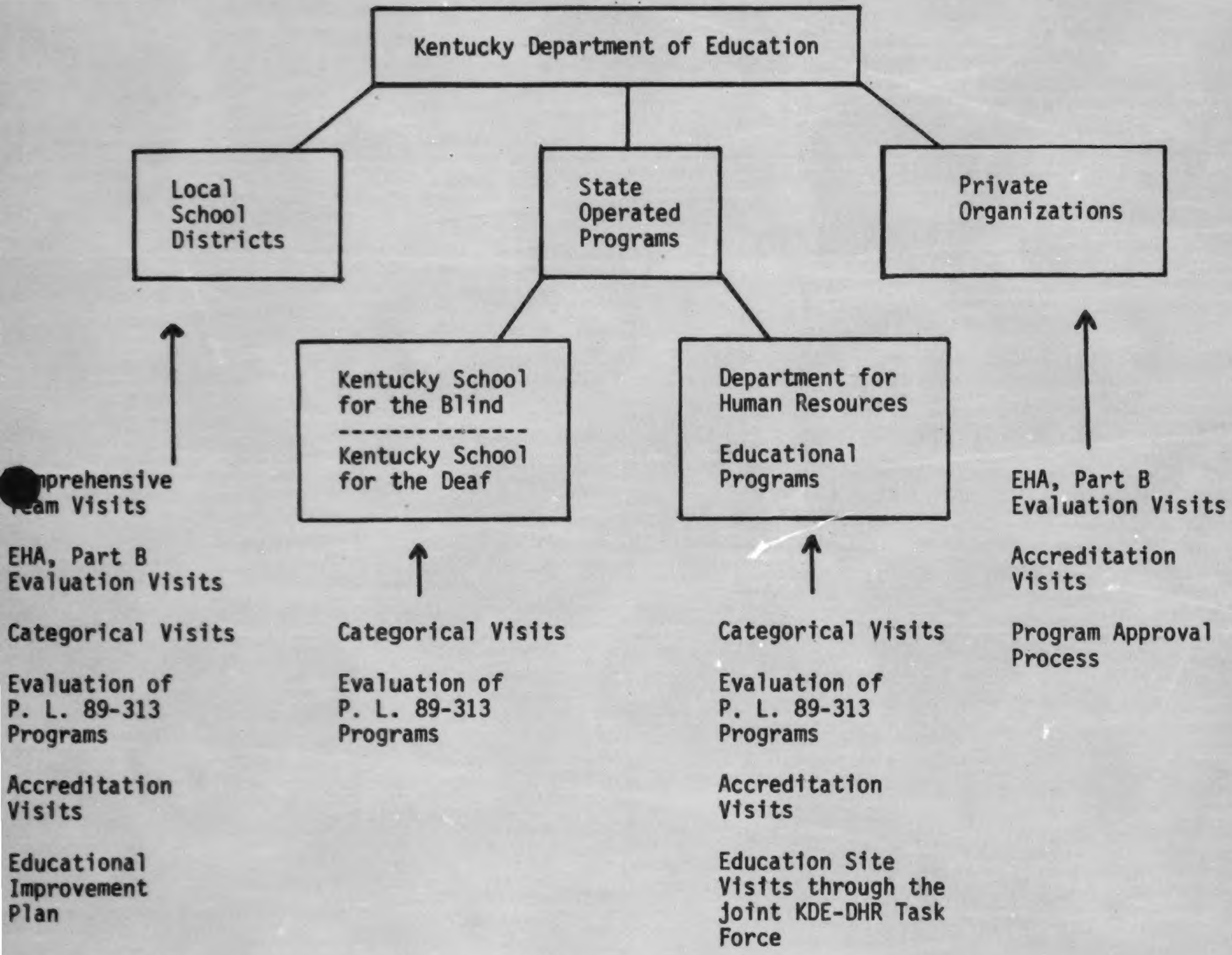
Evaluating activities for the specific educational agencies is shown in Figure I. The various methods will be described below as they relate to evaluation of effectiveness and in Section XVI as they relate to monitoring.

A scheduled three (3) year cycle of on-site visitations of local school districts and other public agency programs was established beginning with the 1977-78 school year in order to assure compliance with state and federal requirements and to provide for a continuous review procedure documenting present functioning and changes which may be needed. The various evaluation methods and the annual report provide an overall summary of the current operation of local programs in meeting the needs of handicapped children. These methods are described in detail in the description of monitoring activities which appears in this plan. The components of each which deal with the evaluation of effectiveness are as follows:

FIGURE I

METHODS OF MONITORING AND EVALUATING

EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN


Kentucky Department of Education
Local School Districts
State Operated Programs
Private Organizations
Kentucky School for the Blind
Kentucky School for the Deaf
Department for Human Resources
Educational Programs
prehensive am Visits
EHA, Part B Evaluation Visits
Categorical Visits
Evaluation of P. L. 89-313 Programs
Accreditation Visits
Educational Improvement Plan
Categorical Visits
Evaluation of P. L. 89-313 Programs
Categorical Visits
Evaluation of P. L. 89-313 Programs
Accreditation Visits
Education Site Visits through the joint KDE-DHR Task Force
EHA, Part B Evaluation Visits
Accreditation Visits
Program Approval Process

1. Comprehensive Team Visits

On-site visitations are conducted by Frankfort-based Bureau of Education for Exceptional Children staff, comprised of representatives of each type of categorical program found within the particular school district to be visited, a member of the Division of Supporting Services staff who has specific responsibilities to evaluate the use of Part B funds, and other agency personnel as appropriate.

The school districts to be visited each year are selected according to specific criteria using a weighted point system which takes into consideration growth of number of exceptional classroom units, length of time since previous comprehensive visit, uniqueness of educational programs, specific requests for a visit by a local school district, and information resulting from complaint procedures described in Section XVI, Subsection A of this plan. Approximately 30 Comprehensive Team Visits are scheduled for each school year.

Evaluation of program effectiveness is addressed through visits to categorical programs and through reviews of summary data provided by the district on how children are being served in various environments. During the categorical visits, information is obtained through interviews, observation and examination of sampling of records, written procedures and/or content material. The effectiveness of local school programs is assessed in terms of the use of appropriate assessment instruments, eligibility criteria, parental and child rights and due process, committee development of IEP, annual evaluation, appropriateness of placement and programming and documentation of student progress. Whenever possible, private school placements will be evaluated at the same time the local school district is visited.

2. EHA, Part B Evaluations

There are two components to the evaluation of the effectiveness of programs under EHA, Part B. The first is a site visit and the other is a self-evaluation.

a. Site Visits

A Bureau of Education for Exceptional Children staff member from the Division of Supporting Services or from one of the categorical divisions is assigned as a team member for each of the scheduled comprehensive team visitations and has the responsibility of evaluating the use of Part B funds according to the particular local school district project, using the Part B evaluation format. In addition, approximately

30 other local school districts are visited each year specifically for this type of evaluation. This schedule enables the Bureau of Education for Exceptional Children to visit at least sixty (60) local school districts or 1/3 of the local school districts in Kentucky each year.

Specific procedures and content to be evaluated have been developed. These procedures relate primarily to compliance issues under P. L. 94-142 regulations but together address effectiveness in the section on priorities in answering the following questions:

1. How many children have been found who are not receiving services?

2. How many children are not receiving the full services called for in their IEP?

b. Self-evaluations

Annually all recipients of Part B funds are required to submit a written fiscal and programmatic evaluation thirty (30) days after the ending date of the project. Programmatic evaluations must include information indicating the degree to which specific educational services have been effective in terms of the objectives, strategies, and activities defined in the project.

3. Categorical Program Visits

The five (5) categorical divisions within the Bureau of Education for Exceptional Children are: learning disabilities, communication disorders, mental retardation, physically handicapped, and emotionally disturbed. In addition to participating in the Comprehensive Team Visits, categorical staff provide a continuous schedule of technical assistance, program consultation and evaluation for all agencies which maintain educational programs for exceptional children.

The purpose of categorical visits is to provide assistance to local school districts, as well as assure that state and federal procedures are being implemented appropriately. These visits are primarily a "hands-on" approach working directly with particular teachers and/or special education staff in order to evaluate the effectiveness of specific intervention techniques employed and/or to address specific problems encountered as a result of implementation of state and federal requirements.

4. Visits to P. L. 89-313 Programs

The effectiveness of programs receiving P. L. 89-313 funds is evaluated both at an activity level and at a system level. The Division of Compensatory Education under the Bureau of Instruction evaluates specific activities and audits programs which are carried out in state operated programs and particular local school districts under P. L. 89-313. The Bureau of Education for Exceptional Children provides consultative review and expertise as to the appropriateness of specific objectives as they relate to the "global" planning for a particular local school district, facility, or community program.

5. Evaluation of Programs other than Local School Districts

In order to assure effective implementation of programs for exceptional children in all agencies, education site visit teams have been established on a three (3) year cycle to monitor and evaluate state operated programs. These visits monitor and evaluate compliance with Public Law 94-142, this Annual Program Plan, and applicable state laws, regulations, and standards for programs for exceptional children. A more thorough description of the requirements on which these programs are monitored and evaluated is found in this plan in the description of monitoring activities. These visits are comparable to Comprehensive Team Visits to local school districts.

a. Department for Human Resources Programs

The procedure for monitoring and evaluation of Department for Human Resources facilities was established through the Kentucky Department of Education-Department for Human Resources Task Force. The monitoring and evaluation team for the Department for Human Resources facilities consists of Bureau of Education for Exceptional Children staff (Non-Public Program Coordinator, Categorical Staff and Field Service Consultants), and staff from the Bureau for Health Services or the Bureau for Social Services as appropriate.

b. Kentucky School for the Blind - Kentucky School for the Deaf

Kentucky School for the Blind and Kentucky School for the Deaf are monitored and evaluated on the basis of those procedures which consist of the evaluation of compliance of P. L. 94-142 and the evaluation of categorical programs for each category served by the facilities. Follow-up to these visits is provided as necessary.

c. Bureau of Corrections, Department of Justice

Programs operated by the Bureau of Corrections, Department of Justice, are monitored and evaluated by Bureau of Education for Exceptional Children staff on a basis comparable to Comprehensive Team Visits to local school districts.

d. Head Start Programs

Head Start programs are monitored and evaluated through the utilization of the monitoring and evaluation process followed by the Department of Health, Education and Welfare (Atlanta Office). Copies of the reports of findings resulting from these visits are analyzed and maintained by the Bureau of Education for Exceptional Children. In addition, as over 50% of the Head Start programs in Kentucky are operated by local school districts, the monitoring and evaluation procedures conducted with local school districts serve as an additional means of Head Start program monitoring and evaluation.

6. Educational Improvement Plan

In 1978 the Kentucky legislature passed House Bill 579 entitled the Educational Improvement Act. This act requires the testing of all children in grades 3, 5, 7, and 10 to determine competencies in basic skill areas and to determine needs for remedial programs. Testing will be conducted statewide in April, 1979 and continued each year thereafter. Results from this screening are used as the basis on which each local school district develops an annual Educational Improvement Plan for the improvement of the quality of programs provided to all students within the jurisdiction of the local school district. This plan must be annually submitted to and approved by the Department of Education.

Exceptional children are tested under this act with the same measure as other children when appropriate and with an adapted measure when necessary. The data is analyzed separately from the population on which the test was normed. The Bureau of Education for Exceptional Children monitors compliance with this testing requirement in conjunction with other types of evaluation visits.

7. Child Tracking System

The Child Tracking System discussed in Section V will provide an additional mechanism for the monitoring and evaluation of programs for exceptional children including IEPs.

Subsection C. As described in the Fiscal Year 1979 Annual Program Plan, at the end of school year 1978-79, the Bureau of Education for Exceptional Children has evaluated the overall effectiveness of monitoring and evaluation activities. The results of these activities will be included in a report submitted to the State Advisory Panel for Exceptional Children at its July, 1979 meeting. This evaluation has included analysis of instruments and procedures used as well as findings from visits to local school districts and other agency programs. This evaluation has resulted in revision of the checklist used with all agencies to monitor and evaluate requirements related to P. L. 94-142 and applicable state regulations. This revised checklist appears in Appendix V.

In addition, the Bureau of Education for Exceptional Children has entered into a Technical Assistance Agreement with the Mid-South Regional Resource Center to assist with refinement of monitoring and evaluation procedures. Through this agreement, an analysis will be provided of all instruments and procedures currently used for monitoring and evaluation purposes. As Kentucky will be completing its first three year monitoring and evaluation cycle at the end of school year 1979-80, plans call for a thorough evaluation of the Bureau of Education for Exceptional Children's monitoring and evaluation procedures prior to initiation of the next three year cycle beginning in Fiscal Year 1981.

The expected outcomes and impact of this analysis and refinement of the Bureau of Education for Exceptional Children's monitoring and evaluation process are as follows:

1. Expected Outcomes

   a. By Spring, 1979 the Bureau of Education for Exceptional Children will have revised Sections XV and XVI of the

Annual Program Plan and will have made minor modifications in the local school district, private school, and state operated program monitoring instruments.

b. By Fall, 1979 the Bureau of Education for Exceptional Children will have a written analysis of and recommendations regarding the procedures used before, during and after each form of Bureau site visit.

c. By Summer, 1980 the Bureau of Education for Exceptional Children will have sufficient copies of a revised manual for training Bureau staff and camera-ready masters for Bureau production of multiple copies for the purpose of dissemination to local school districts and other appropriate agencies.

2. Expected Impact

a. The Bureau of Education for Exceptional Children will reproduce and distribute the manuals.

b. Local school districts, private schools and state operated program personnel will have a better understanding of site visit procedures.

c. Revised Bureau of Education for Exceptional Children evaluation procedures will be implemented as designed which are:

1) efficient;

2) integrated with technical assistance and follow-up efforts; and

3) in compliance with Sections 121a.135, 121a.601-602 and 121a.194 of P. L. 94-142 which are in Federal and State Regulations.

Subsection D. Procedures for technical assistance as a follow-up to evaluation activities are incorporated by reference from the Fiscal Year 1979 Annual Program Plan. These procedures are quoted below from the FY 1979 Annual Program Plan in order to assist the public in its review of the current year's plan.

Section Incorporated by Reference from FY 1979 Plan

"Field Service Consultants are supplied with copies of the evaluation reports from Comprehensive Team Visits and EHA, Part B evaluation visits. They are also made aware of the pertinent findings as a result of other evaluation activities.

Using this information, the Field Service Consultants are able to provide technical assistance which is responsive to needs identified on the evaluation reports. Thus, this provides the educational programs with the services of a Bureau of Education for Exceptional Children staff person who is locally accessible and who can assist them in responding appropriately to corrective actions cited in evaluation reports.

Staff from the categorical divisions are available to provide educational programs with technical assistance as a follow-up to Comprehensive Team Visits, Categorical Visits, and Accreditation Visits. Technical assistance is also available, as requested, to educational programs at any time. Such requests may result from these and other evaluation activities conducted in the district.

Staff from the Division of Supporting Services provide technical assistance to local school districts as needed in response to EHA, Part B evaluation visits.

Lastly, input is solicited from the Bureau of Education for Exceptional Children staff regarding needs for technical assistance identified in visits to educational programs. This input is used in planning state-wide training activities such as those conducted through the EHA, Part D grant and the Comprehensive System of Personnel Development. This is described more fully in Section X of this document.

Thus, Kentucky has various means established for providing technical assistance deemed necessary as a result of evaluation activities.

XVI. RESPONSIBILITY OF THE STATE DEPARTMENT OF EDUCATION FOR ALL EDUCATIONAL PROGRAMS

Subsection 121a.134 of the Federal regulations pursuant to P. L. 94-142 states that "each annual program plan must include information which shows that the requirements in Subsection 121a.600 of Subpart F are met" and that this "must include a copy of each State Statute, State regulation, signed agreement between respective agency officials, and any other document that shows compliance with that paragraph." Subsection 121a.600 establishes the responsibility of the State Department of Education for the general supervision of all educational programs for handicapped children in the state.

Subsection A. State Department of Education Responsibility for all Educational Programs

The following procedures regarding the State Department of Education responsibility for all educational programs are incorporated by reference from the FY 1979 Annual Program Plan. In order to assist the public in its review of this current year's plan, these procedures from the FY 1979 Plan are quoted below. (Additional FY 1980 procedures will follow the quote. Appendix references which appear within quotations refer to appendixes which accompanied last year's plan (FY 1979) rather than this year's plan (FY 1980).

Section Incorporated by Reference from FY 1979 Plan

"1. Authority

The responsibility of the Department of Education for the general supervision of all educational programs for exceptional children is clearly established through state law, regulation, court order, and memorandums of agreement. These documents are provided in Appendixes I, II, III, and IV. This responsibility includes insuring that the requirements of Public Law 94-142 are carried out and insuring that each educational program for exceptional children in the state meets both state education standards and the requirements of Public Law 94-142. "Educational program" as used throughout this plan and statutory citations is defined to include the processes of identification, location, evaluation and educational placement as these processes relate to the provision of special education and related services to exceptional children.

First, KRS 157.221 provides that 'the state board of education shall create a "bureau of education for exceptional children" in the state department of education, separate from any other existing bureau, to supervise and direct a state program for exceptional children in this Commonwealth' (Appendix II). KRS 157.224 establishes that 'the Commonwealth of Kentucky is committed to providing a comprehensive educational program for its exceptional school age children. The Bureau of Education for Exceptional Children, through KRS 157.221, coordinates, directs, and monitors that program.' (Appendix II) This responsibility is further established in the Consent Agreement of 1974 (Appendix I).

In addition, consistent with this responsibility for the general supervision of all educational programs for exceptional children, the Kentucky Department of Education, Bureau of Education for Exceptional Children, annually develops an amendment to the Annual Program Plan. This document serves as Kentucky's yearly plan related to the provision of special education and related services. In this plan, policies and procedures are cited and/or established for insuring that the requirements of P. L. 94-142 are carried out and for insuring that all educational programs meet both state education standards and the requirements of P. L. 94-142. State education standards include state laws, regulations and standards related to the education of exceptional children. These apply equally to all public agencies in the state providing special education and/or related services and, accordingly, serve as the basis for monitoring and evaluating these agencies as described in Section XV and this section and as evidenced by information and documents found in Appendixes VI, X, and XVI. In addition, as provided in 707 KAR 1:003, upon approval of Kentucky's Annual Program Plan, this plan becomes incorporated into the Kentucky Administrative Regulation by reference and thereby has the force of regulation.

Additional Kentucky Administrative Regulations specify that all educational programs for exceptional children must meet state education standards. These programs include those operated by local school districts, educational programs operated by public agencies other than local school districts such as state-operated programs (including Kentucky School for the Blind, Kentucky School for the Deaf, and Department for Human Resources programs), and programs operated by private organizations with which local school districts contract. 707 KAR 1:051 provides the criteria by which local school districts shall establish and operate educational programs for exceptional children. This regulation together with the regulations dealing with the categorical areas of exceptionality (707 KAR 1:052 through 707 KAR 1:059 and 707 KAR 1:041) and 707 KAR 1:060 and 707 KAR 1:080 incorporate the federal requirements of P. L. 93-380 as amended by P. L. 94-142 into state requirements (Appendix II). In addition, 707 KAR 1:070 (Appendix III) requires that all educational programs operated by public agencies other than local school districts including State Operated Programs and those operated by private organizations with which local school districts contract must apply for approval to the State Board for Elementary and Secondary Education (Appendix III). The educational program (including the processes of identification, location, evaluation, and educational placement) provided by such agencies and organizations must be:

a. in conformance with the individual education programs developed for each child,

b. at no cost to the parents,

c. in conformance with the federal and state requirements that apply to local school districts (i.e., requirements of P. L. 94-142 and state education standards)

d. established in a manner to insure that all exceptional children provided an educational program (including the processes of identification, location, evaluation, and educational placement) are afforded all of the rights and protections of children who are served in local school districts.

The joint memorandum of agreement of October 7, 1977 between the Department of Education and the Department for Human Resources affirms that programs provided by or through the Department for Human Resources shall be operated consistent with the requirements of P. L. 93-380 as amended by P. L. 94-142 and applicable state laws and regulations including 707 KAR 1:050 (now 707 KAR 1:051), 707 KAR 1:060, and 707 KAR 1:080 (Appendix IV). These are the same state and federal requirements that apply to local school districts and serve as the basis for monitoring and evaluating local school districts, programs operated by other public agencies (state operated programs including Kentucky School for the Deaf, Kentucky School for the Blind, Department for Human Resources programs) and private organizations which contract with local school districts.

Lastly, standards pursuant to Kentucky Administrative Regulations are now being finalized. These standards are incorporated by reference into Kentucky Administrative Regulations and, upon approval, will have the force of regulation. While the Kentucky Administrative Regulations set forth the state requirements related to the carrying out of P. L. 94-142, the standards will provide additional clarification of procedures to be followed."

Fiscal Year 1980 Requirements

The Kentucky Department of Education, Bureau of Education for Exceptional Children, has entered into memorandums of agreement with the Bureau of Rehabilitation Services, Bureau of Vocational Education, the Bureau for the Blind, Kentucky Head Start and the Bureau of Corrections in the Department of Justice. Copies of these memorandums appear in Appendix VI and serve to insure establishment of the responsibility of the Kentucky Department of Education for the general supervision of all educational programs for exceptional children.

2. Adoption of Complaint Procedures

The following procedures regarding response to complaints were described in last year's plan (FY 1979). These procedures are the same; however, they have been reworded to reflect the change in title of Due Process Coordinator to Coordinator of Procedural Safeguards. These procedures will be used to respond to any allegations of substance received from a private individual, public agency or organization regarding actions taken by any public agency that are contrary to the requirements of EHA, Part B (Public Law 94-142).

a. Complaints recieved by the Bureau of Education for Exceptional Children will be referred to the Coordinator of Procedural Safeguards.

b. Upon receipt of the complaint, the Coordinator of Procedural Safeguards shall investigate the complaint and schedule a visit, if deemed necessary, to the agency alleged to be in non-compliance. Additional Department of Education staff may be included on this visit as appropriate to the program and/or complaint.

c. Upon the determination of the action to be taken in response to the complaint, the person, agency or organiztion lodging the complaint shall be informed in writing of the proposed response to the complaint.

d. If the results of the site visit indicate that the agency is in non-compliance, the report will specify technical assistance to be provided by Bureau of Education for Exceptional Children staff and other remedial action to achieve compliance. This report will also provide a specific timeline detailing when each action toward compliance must be completed.

e. Upon completion of the site visit, the Coordinator of Procedural Safeguards shall report in writing to the person, agency or organization lodging the complaint the results of the site visit related to the complaint. If the complaint was unsubstantiated, such shall be reported with an explanation of findings. If the complaint was substantiated but not remediated, the correspondences shall so state and continue until compliance is achieved or sanctions imposed.

f. If the agency fails to achieve compliance within the timelines specified in the site visit, the agency will be provided a hearing scheduled by the Coordinator of Procedural Safeguards and provided final opportunity to comply with the regulations of EHA, Part B, within sixty (60) days.

g. If the agency fails to comply, the State Superintendent of Public Instruction will make no further payments from EHA, Part B and/or P. L. 89-313 funds to the agency until the agency achieves compliance with state and federal regulations.

h. The final results of the actions related to the complaint shall be reported in writing to the person, agency or organization lodging the complaint.

Subsection B. Monitoring and Evaluation Activities

The following procedures established in the FY 1979 Annual Program Plan regarding monitoring and evaluation are incorporated by reference. These procedures are quoted below under the heading "Section Incorporated by Reference from the FY 1979 Plan." These procedures are quoted here to assist the public in its review of this year's plan (FY 1980). Appendix references which appear within quotations refer to appendixes which accompanied last year's plan (FY 1979) rather than appendixes which accompany this year's plan (FY 1980). New material for this year which has been provided for the purposes of updating monitoring procedures appears under the heading "Fiscal Year 1980 Requirements."

Section Incorporated by Reference from FY 1979 Plan

"Monitoring objectives and procedures have been identified in each section of this plan dealing with a free appropriate public education (Sections III and XII) for each exceptional child in Kentucky. Section XV of this plan contains detailed descriptions of the objectives and procedures for assuring a continuing evaluation of all agencies providing educational programs for exceptional children to assure program effectiveness.

The monitoring efforts of the Bureau of Education for Exceptional Children are conducted in order to verify compliance with state and federal laws and regulations, to evaluate the provision and delivery of services to exceptional children, and to identify needs for and to facilitate the delivery of technical assistance to agencies/persons providing education and related services to exceptional children.

1. Methods of Monitoring

   There are seven types of monitoring activities conducted on a planned basis by Bureau of Education for Exceptional Children staff. These activities are interrelated and conducted in coordination with one another. The seven types of monitoring activities are: (a) document review, (b) full services profile and needs survey, (c) categorical program visits, (d) EHA, Part B evaluation visits to local school districts and state-operated programs, (e) Comprehensive team visits, (f) accreditation visits, and (g) Private Organization Program Approval Process.

   As demonstrated by the procedures detailed in Appendixes V, VI, X, and XVI, these activities insure that all public agencies comply with the following requirements of Public Law 94-142 regulation 121a.601(a):

   (a) Full Education Opportunity Goal

   (b) Free Appropriate Public Education

   (c) Priorities

   (d) Individual Education Programs

   (e) Direct Service by the State Education Agency (see Section XVI)

   (f) Comprehensive system of Personnel Development

(g) Services to Children in Private Facilities Placed or Referred by the Agency

(h) Participation of Private School Children

(i) Due Process Procedures

(j) Protection in Evaluation Procedures

(k) Least Restrictive Environment

(l) Confidentiality

(m) Child Identification

a. Document Review

Document review is the most basic form of monitoring conducted by the Bureau of Education for Exceptional Children staff. Each component of the monitoring process has its basis in the review of documents, data, and reports submitted by service agencies as an account of services provided and service recipients. Document review is conducted as a form of compliance monitoring based upon the accuracy of the documentation. In addition to the review of documents submitted to the Bureau of Education for Exceptional Children, the Bureau cooperates with other Divisions within the Department of Education in monitoring activities. These include cooperation with:

1. the Division of Teacher Education and Certification to verify the certification of personnal employed as teachers of exceptional children classroom units;

2. the Division of Pupil Personnel Accounting and Attendance in the maintenance of statewide pupil attendance records and in the administration of the Child Counts and the annual Census of Exceptional Children;

3. the Division of Compensatory Education in reviewing the projects submitted by local school districts and the Department for Human Resources for funding under P. L. 89-313; and

4. the Bureau of Vocational Education in reviewing projects submitted to this bureau which deal with the provision of vocational education for exceptional children.

b. Full Services Profile and Needs Survey

The full services profile and needs survey data are collected by the Bureau of Education for Exceptional Children, Division of Field Services Consultants via interviews in order to:

1. Assist local school districts in identifying those areas of full services needing further development and planning.

2. Assist the Division of Field Services, Bureau of Education for Exceptional Children, in identifying the areas and types of technical assistance needed by local school districts in the implementation of full services.

This procedure is employed to facilitate assistance to service providers. Field Service Consultants provide technical assistance and direct service to agencies providing education and related services to exceptional children. The Field Service Consultants perform no regulatory or evaluative functions in the compliance monitoring, verification and evaluation process. A copy of the Full Services Profile and Needs Survey is attached as Appendix V.

c. Categorical Program Visits

The Bureau of Education for Exceptional Children contains five categorical divisions: Mental Retardation, Communication Disorders, Physically Handicapped, Emotionally Disturbed, and Learning Disabilities. Bureau of Education for Exceptional Children staff members assigned to each categorical program have primary responsibility for evaluating state and local programs for handicapped children served in that categorical program.

The purpose of categorical program visits is to verify documentation of compliance data and evaluate the quality of services being provided. Categorical program visits are done at the request of a service provider or scheduled by the Bureau of Education for Exceptional Children when compliance documentation shows a change in program characteristics in terms of types and numbers of services provided or clients served. Thirty categorical program visits are conducted as a part of comprehensive team visits to local school districts and state-operated programs annually. Additional information regarding categorical program visits is provided in Section XV.

d. EHA, Part B Evaluation Visits

All recipients of Part B funds are required to submit a written fiscal and project evaluation thirty days after the ending date of the project. Based on these reports and upon such factors as size of project, size of special education program of the recipient agency, request for visit, and date of last evaluation visit, school districts are selected to receive an EHA, Part B evaluation visit.

EHA, Part B evaluation visits are conducted by the Bureau of Education for Exceptional Children, Division of Supporting Services, Unit of Federal Program staff. These visits provide a comprehensive means of evaluating activities and services provided through the project. They also provide verification of the school district's documentation of compliance with federal laws and regulations related to education of handicapped children. Thirty EHA, Part B evaluation visits are made annually as a component of the comprehensive team visits. An additional thirty visits are made each year as separate EHA, Part B evaluation visits. The EHA, Part B Site Visit Evaluation Forms in Appendix VI are used for local school districts, state operated programs, and other public agency programs. The private school approval process described in Appendix XVI includes a similar checklist.

The following areas are covered in the EHA, Part B visits:

1. Free Appropriate Public Education and Full Educational Opportunity
2. Procedural Safeguards and Due Process Procedures
3. Protection in Evaluation Procedures
4. Least Restrictive Environment
5. Confidentiality

6. Individual Education Programs (including comparison of services provided with the Individual Education Program)

7. Handicapped Child in Private Schools Placed or Referred by Public Agencies

8. Priorities

9. Handicapped Children in Private Schools not Placed or Referred by Public Agencies

10. Availability of Information to Parents and General Public

11. Public Awareness

12. Facilities

13. Child Identification

14. Per Pupil Expenditure

15. Excess Costs

e. Comprehensive Team Visits to Local School Districts and State Operated Programs

Thirty comprehensive team visits are made to local school districts each year. The comprehensive team visit consists of a complete document review, categorical program evaluation for each categorical program operated by the district, an EHA, Part B evaluation, and an evaluation of their program plan for exceptional children.

Education site visits to state operated programs follow the same format and review the same requirements as those followed in comprehensive team visits to local school districts. These visits likewise include a complete document review related to the meeting of federal requirements and state education standards, categorical program evaluation for each categorical program operated, and where appropriate, evaluation of the project funded under P. L. 89-313.

These visits accomplish the monitoring, verification, and evaluation of the agency's efforts to comply with state and federal laws and regulations regarding the provision of education and related services to handicapped children. Procedures for follow-up activities related to these visits are specific and information obtained from the visit is used to prescribe and implement a plan for technical assistance to help the agency achieve full compliance with state and federal laws and regulations.

The comprehensive team visit and education site evaluation forms and related documents are included in Appendix VI. Specific procedures for the visit and the data and content to be evaluated have been developed and include the following components:

(1) Part 1 - Data to be collected by the selected agency prior to visit:

  (a) number of classroom units by category and age of children

  (b) number of handicapped children served by category and ages

  (c) percent of total district enrollment

  (d) number of handicapped children served out-of-district

  (e) number of handicapped children from other agencies served within that agency

  (f) state requirements as to length of day, approved facilities, appropriate identification, evaluation, placement, due process and parental involvement procedures followed

  (g) any specific program areas or comments of which the Bureau of Education for Exceptional Children should be aware.

(2) Part 2 - Procedures and content to be covered by team evaluators during the visit:

  (a) pre-conference with central management administrators

(b) categorical programs visited: information obtained through interview, observation and examination of a sampling of records, written procedures and/or content material including information covering state and federal regulations such as appropriate assessment instruments, eligibility criteria, parental rights and due process, committee development of IEP, annual evaluation and appropriateness of placement and programming. IEPs are also compared with programs provided.

(c) post conference with administrators covering general findings, observations and/or recommendations during visit.

(d) a written summary of the evaluation report is returned to the agency after the visit is completed.

(e) Bureau of Education for Exceptional Children and Field Service Consultants maintain and use the information from these reports in order to provide needed technical assistance to the local school districts.

f. Accreditation Visits

Accreditation visits are another means of monitoring and evaluating educational programs for handicapped children. These visits are described in full in Section II of this document.

g. Private Organization Program Approval Process

As described in Sections II and XII of this document, 707 KAR 1:070 provides for the approval of educational programs operated by private organizations. A copy of the procedures for implementing this regulation appears in Appendix XVI.

h. Other Monitoring Activities

The Bureau of Education for Exceptional Children staff are also involved in monitoring and program evaluation efforts for education services provided to handicapped children served in programs other than those operated by local school districts. These efforts include participation in P. L. 89-313 program evaluations, categorical visits and EHA, Part B visits to schools and programs operated by the Kentucky Department of Education and the Kentucky Department for Human Resources and private schools receiving public monies.

i. Audit of Federal Program Utilization

In addition to program evaluations, fiscal audits are conducted. The Division of Finance and Administration in the Bureau of Administration and Finance for Local School Systems audits financial records and reviews financial record systems when program evaluations and routine fiscal audits reveal discrepancies in program and fiscal reports. Specific procedures to ensure proper expenditures for services for handicapped children will be designed and implemented."

Fiscal Year 1980 Requirements

Policy and procedure additions and revisions are as follows:

1. State operated programs receiving P. L. 89-313 funds are monitored on an annual basis. Staff from the Bureau of Education for Exceptional Children frequently assist with the visits and at times the P. L. 89-313 visit is scheduled in conjunction with the comprehensive team visit to that facility. Title I staff evaluates the state operated programs for requirements under P. L. 89-313 and the Bureau of Education for Exceptional Children evaluate the program for requirements under P. L. 94-142. At the completion of the respective visit, findings are shared between Title I staff and the Bureau of Education for Exceptional Children and maintained on record in each office.

   During 1978-79 all state operated programs received comprehensive team visits. These visits included Kentucky School for the Blind, Kentucky School for the Deaf, and twenty-two Department for Human Resources facilities including seventeen Bureau for Social Services facilities and five Bureau for Health Services facilities. Beginning with 1979-80, state operated programs will be monitored on a three (3) year cycle consistent with the manner in which local school districts are monitored and evaluated.

2. Procedures for Follow-up to Site Visit Monitoring

   The following procedures are utilized as a follow-up to monitoring activities described in subsection B.1. of this section.

   a. The post-visit team meeting is conducted to document the areas of need for follow-up activities such as the provision of materials, resources and curriculum guides, further consultation, and topics and personnel for inservice.

b. The team leader of the site visit determines which team member will be responsible for the various follow-up activities.

c. Memos related to assignments are filed with the site visit final report.

d. The follow-up report is sent to the agency by the team leader no later than two weeks after the visit.

e. Team leader sends a follow-up letter to the agency six (6) weeks after the visit related to corrective actions, suggested recommendations for follow-up activities, areas of need which the agency visited indicated, and timelines for completion of compliance areas.

f. Eight (8) weeks after the site visit, the team leader contacts the agency to discuss the current status of follow-up activities.

g. The team leader insures that the agency visited receives written documentation regarding the satisfactory meeting of any corrective actions cited in the site visit report.

h. If documentation of completion of all actions and products recommended is not received from the agency within two weeks following the deadline for completion the visit team leader contacts the agency to inquire about the submission of the report. If the agency is unable to submit the report, the matter will be referred to the Assistant Superintendent, Bureau of Education for Exceptional Children. If the Assistant Superintendent determines that granting the agency an extension of time for completion of recommended actions is not warranted, the Assistant Superintendent refers the matter to the Superintendent of Public Instruction for final hearing. If the hearing does not result in satisfactory actions by the agency, financial sanctions will be imposed.

3. Additional Procedures for Monitoring and Evaluating Programs Operated by Agencies Other Than Local School Districts

Programs operated by the Bureau of Corrections, Department of Justice, are monitered and evaluated by Bureau of Education for Exceptional Children through the utilization of document review, data analysis and on-site visits. Document review includes review and approval of policies and procedures for the operation of educational programs for men and women in Bureau of Correction facilities. Data analysis includes review of data supplied by the Bureau of Education for Exceptional Children consistent with requirements of P. L. 94-142. On-site monitoring and evaluation procedures utilized with Bureau of Corrections facilities are comparable to Comprehensive Visits to local school districts.

Head Start programs are monitored and evaluated through the utilization of the monitoring and evaluation process followed by the Department of Health, Education and Welfare (Atlanta Office). Copies of the reports of findings resulting from these visits are analyzed and maintained by the Bureau of Education for Exceptional Children. In addition, as over 50% of the Head Start programs in Kentucky are operated by local school districts, the monitoring and evaluation procedures conducted with local school districts serve as an additional means of Head Start program monitoring and evaluation.

4. Child Tracking System

Establishment of the Child Tracking System discussed in Section V will provide an additional mechanism for the monitoring and evaluation of programs of exceptional children including IEPs.

5. Additional Information

Based on an end-of-year analysis of monitoring and evaluation procedures utilized by the Bureau of Education for Exceptional Children, the checklist has been revised for monitoring and evaluating the requirements of P. L. 94-142 and applicable state regulations. This revised checklist will be used with programs operated by all public agencies and private organizations seeking approval by the State Board of Elementary and Secondary Education pursuant to 707 KAR 1:070 beginning with the 1979-1980 school year. A copy of this revised checklist appears in Appendix V.

The various monitoring and evaluation visits used by the Bureau of Education for Exceptional Children and the types of staff conducting these visits are identified earlier in this subsection.

Depending on the nature of the visit and the size of the agency visited, visits can range in length from one (1) day to three (3) weeks. The average length of EHA, Part B and Categorical Visits is one (1) to two (2) days. The average length of Comprehensive Team Visits is three (3) to four (4) days. An average of thirty (30) local school districts receive Comprehensive Team Visits each year. Beginning with school year 1979-1980, approximately ten (10) State Operated Programs will receive Comprehensive Team Visits each year. As pointed out earlier in this subsection, Comprehensive Team Visits include both EHA, Part B Evaluation and Categorical Evaluations. In addition to Comprehensive Team Visits approximately 20-30 local school districts receive Categorical Visits annually and approximately 30 local school districts receive EHA, Part B Evaluations. Visits customarily include policy and procedure review, staff interviews, record review and classroom observation.

Because Kentucky utilizes a three year monitoring cycle, all programs operated by all agencies are monitored and evaluated at least once during a three year period. Agencies may be visited for monitoring and evaluation purposes more than once during a three year period as a result of the following: (1) follow-up to provide technical assistance and/or to document satisfactory response to corrective actions resulting from a monitoring and evaluation visit; (2) in response to complaint procedures identified in Sub-section A of this Section; and (3) as a follow-up to impartial due process hearings as described in Section VII.

Monitoring and evaluation reports resulting from these visits are a matter of public record and are available by contacting the agency visited or the Bureau of Education for Exceptional Children.

Subsection C. Policies and Priorities for Use of Part B Funds

The following policies and procedures are provided in regard to the use of EHA, Part B funds including the use of the State Share and Local School District Entitlements.

1. State Share

Fifteen percent (15%) of the FY 1980 allocation under EHA, Part B will be set aside for use at the state level. Ten percent (10%) of these funds will be used to provide direct and support services to first and second priority children as described in Section IV of this plan (Policies and Priorities). As provided in Federal Regulations under P. L. 94-142, five percent (5%) will be used to fund administrative activities as described below. Fiscal accountability, records and control of these funds are the shared responsibility of the Bureau of Education for Exceptional Children and the Office of Finance and Personnel Services within the Kentucky Department of Education.

EHA, Part B Administrative Funds are used in the following areas:

a. Administration of the annual program plan and for planning, or assisting in the planning, of programs or projects for the education of exceptional children;

b. Approval, supervision, monitoring, and evaluation of the effectiveness of local programs and projects for the education of exceptional children.

c. Technical assistance to local educational agencies with respect to the requirements of this part;

d. Leadership services for the program supervision and management of special education activities for exceptional children; and

e. Other state leadership activities and consultative services.

EHA, Part B Administrative Funds will be used to fund the administrative positions, administrative activities, and the State Advisory Panel for Exceptional Children as described below:

a. Administrative Positions

1. Director, Division of Supporting Services, 100% funding through EHA, Part B

   Provides administrative leadership and guidance for the Federal Programs Unit, Staff Development Unit, and Special Projects Unit within the Division of Supporting Services, Bureau of Education for Exceptional Children, and coordinates efforts of the division with local school officials, other Bureau of Education for Exceptional Children divisions and policy makers. Coordinates the development, submission and administration of the Annual Program Plan under EHA, Part B. Supervises the review and approval of plans, budget and subsequent evaluations of programs funded through federal funds.

2. Director, Unit of Federal Programs, 100%

   Develops, coordinates, reviews, evaluates, maintains records, and develops reports on federal programs and projects. Coordinates with and provides assistance to other Bureau of Education for Exceptional Children units and local school districts as they relate to federal programs.

3. Three (3) Consultants, Unit of Federal Programs, 100%

   Assist with development of plans, coordination of implementation, evaluation of activities, maintenance of records and development of reports relating to federal programs and projects.

4. Director, Unit of Special Projects, 100%

   Develops procedures for, coordinates start-up of and provides technical assistance regarding the following: administers Kentucky's Preschool Incentive Grant, child identification programs, early childhood programs and new programs originating through state and federal funds; develops and disseminates reports, articles and publications relating to special projects; assists in the development of grant proposals for special projects for early childhood identification.

5. Consultant, Unit of Special Projects, 100%

   Assists in procedure development, coordination, and technical assistance as necessary to the operations of the special projects unit; assists in development and dissemination of special project reports and materials; assists in the administration of Kentucky's Preschool Incentive Grant; and assists in the development of policies and procedures and provides technical assistance to local school districts concerning early childhood programs for exceptional children and child identification.

6. Director, Unit of Staff Development, 100%

   Coordinates the implementation and evaluation of the comprehensive system of personnel development; provides leadership and technical assistance to agencies regarding the inservice training of general and special educational, instructional, related services and support personnel; coordinates the implementation and evaluation of effective procedures for acquiring and disseminating to teachers and administrators of programs for exceptional children significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices and materials developed through those projects; and directs the application for and administration of funds under EHA, Part D.

7. Four Secretaries, 100% Each

8. Program Analyst, 100%

   Assists in the establishment of a child tracking system.

Additional staff for FY 1980 include:

9. One additional Consultant in the Unit of Special Projects, 100%

   Coordination of ongoing statewide procedures for child identification, location and evaluation; overseeing the monitoring and evaluation of identification, location and evaluation efforts of local school districts and other agencies and the provision of technical assistance and training to local school districts and other agencies related to child identification, location and evaluation.

10. One additional Consultant in the Unit of Staff Development, 100%

    Assists in the implementation and evaluation of the comprehensive system of personnel development; assists in the coordination of inservice training of general and special educational, instructional, related services, and support personnel; and assists in the implementation and evaluation of effective procedures for acquiring and disseminating to teachers and administrators of programs for exceptional children significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices and materials developed through those projects.

b. Administrative Activities

Through these personnel in the Division of Supporting Services, Bureau of Education for Exceptional Children, the following activities will be provided during the next school year (see also Sections IV, V, X, XV, and XVI).

1. Leadership, technical assistance, and monitoring and evaluation:

    a. Coordination of the development of the Annual Program Plan, conducting public hearings, review of and reply to comments on the plan.

    b. On-site visitations of at least 60 local school district projects funded under EHA, Part B (one-third of the local school districts in the state each year).

    c. Provision of technical assistance to local school districts in regard to the development of local school district plans for special education and related services (EHA, Part B applications).

    d. Coordination of activities funded through the Preschool Incentive Grant.

    e. Development and implementation of a system to improve the current method of data collection, coordination and management.

f. Development of materials and delivery of technical assistance to local school districts and other public and private agencies in regard to current Kentucky Administrative Regulations and Standards.

2. Child Identification:

In order to insure the ongoing identification, location and evaluation of exceptional children, the following activities are conducted. These activities are described more fully in Section V of this document.

a. Provision of technical assistance including workshops and individual program assistance regarding local school districts' applications for funds under EHA, Part B, the implementation and evaluation of projects funded under this act.

b. Ongoing development of statewide Child Find activities and the provision of technical assistance to local school districts and other appropriate agencies in this regard.

c. Coordination of activities funded through the Preschool Incentive Grant through stimulation of early childhood education in the implementation of the Full Educational Opportunities Goal.

3. Priorities:

In order to assure that first and second priorities are met, the Division of Supporting Services staff will coordinate the administration of state discretionary funds under EHA, Part B to assist local school districts and other agencies providing direct and support services to first and second priority children. These activities are described more fully in Section IV of this document.

4. Comprehensive System of Personnel Development

In order to insure an effective, ongoing statewide system of inservice training, Division of Supporting Services staff will carry out the following activities. These activities are described in Section X of this document.

a. Coordination of an annual needs assessment of inservice training needs.

b. Coordination of a system to insure the dissemination of significant information derived from education research and demonstration projects.

c. Coordination of the development, implementation and annual review of Kentucky's Comprehensive System of Personnel Develoment.

d. Development, implementation and evaluation of activities funded through EHA, Part D.

e. Establishment and coordination of a cadre of consultants to meet the technical assistance requests of individual public and private agencies providing special education and related services to handicapped children.

c. Advisory Panel Activities

The State Advisory Panel is appointed by the Governor. The membership of the advisory panel is composed of persons involved in or concerned with the education of exceptional children. The membership includes at least one person representative of each of the following groups:

1. Handicapped individuals
2. Teachers of handicapped children
3. Parents of handicapped children
4. State and local educational officials
5. Special education program administrators
6. Other public and private agencies involved in the education of exceptional children.

The Advisory Panel serves without compensation. The State reimburses the panel for reasonable and necessary expenses for attending meetings and performing duties. The State uses funds provided under EHA, Part B for these purposes. The duties include carrying out the following activities:

1. Working through standing committees, advises the State Department of Education on:
    a. Unmet needs
    b. Regulations
    c. Funding, and
    d. Plans for the provision of education for exceptional children.
2. Meets quarterly on the fourth Thursday and Friday in January, April, July, and October in Frankfort, Kentucky, Capital Plaza Tower.
    a. Official minutes are kept on all Panel meetings and are made available to the public upon request.
    b. All Advisory Panel meetings and agenda items are publicly announced prior to the meetings, and the meetings are open to the public.
    c. If necessary, interpreters and other necessary services will be provided at Panel meetings for Panel members or participants. The State will fund these services through EHA, Part B funds.
3. Assists in the development, review and reporting of data and evaluations to the federal government by means of individual effort, committee work or total Panel meetings.
4. Reviews written findings of fact and decisions of impartial due process hearing officers (after deletion of any personally identifiable information) submitted to this Panel by the Bureau of Education for Exceptional Children.
5. Develops an annual report submitted to the State Department of Education by July 1 of each year to summarize the activities and recommendations of the Panel with the report being made public consistent by reporting requirements under P. L. 94-142.

2. Local School District Entitlements

In Kentucky the local school district (LSD) is the major educational service provider for handicapped children. It is the philosophy of the Department of Education to provide as much assistance as possible to local school districts in the provision of services to children within their districts in order to maximize the likelihood that all children will be served as close to home as possible. Therefore, approximately 85% of the FY 1980 State entitlement will be distributed as "flow through" monies to the 181 local school districts of the state. Local school district entitlement is determined on a per pupil ratio based on the aggregated number of exceptional children age 3 through 21 receiving special education and related services in all local districts. Each local school district is allocated an amount equal to the per pupil ratio times the average number of handicapped children, age 3 through 21, reported on the December 1, certified child count.

The following policies regarding the use of these funds are incorporated by reference from last year's plan (FY 1979). These policies are quoted below so that the public may have the opportunity to see these incorporations included in this year's plan.

Section Incorporated by Reference from the FY 1979 Plan

"a. In order for the local district to receive its allocation, the following procedures are required:

1. Submit an application for Federal Assistance meeting the federal and state requirements.
    a. Consolidated applications will be considered for any local school district.
    b. A local school district generating an allocation less than $7,500 is required to submit a consolidated application.
2. Maintain accurate fiscal records which allow the tracking of the total cost of special education and services to account for all federal, state and local monies expended for the education of exceptional children in order to meet the excess cost provision.

        a. State and local funds must be spent for the education of handicapped children equal to the same average amount spent on all other children in the school district before Part B funds may be used.

        b. The local school district shall determine average per pupil costs based on elementary and secondary school enrollment.

        c. Part B funds must be used to supplement the State and local funds expended for education of handicapped children, and in no case may supplant those State and local funds.

    3. Use Part B monies in accord with the following priorities of the law:

        a. To provide a free appropriate public education to first priority children including ongoing identification, location and evaluation.

        b. To provide free appropriate public education to second priority children including ongoing identification, location and evaluation.

        c. To meet the other requirements of Part B.

b. Procedures for approval or disapproval of Local School District Applications:

    1. No local school district may be approved until the annual program plan covering the same school year has received approval.

    2. The local school district application shall be approved if it provides the required content.

    3. If it is determined that the local school district does not fulfill the requirements as established after consultation, technical assistance, and attempts to resolve differences, notice shall be given to the local school district with opportunity for a hearing provided (see Section XIV).

4. If it is determined through the hearing process that the local school district has failed to comply with any requirement in the application, the Bureau of Education for Exceptional Children shall give notice to the local school district and

    a. make no further payments to the local school district until there is no longer any failure to comply with the requirement; or

    b. consider its decision in its review of any application made by the local school district.

5. Any local school district receiving notice from the Bureau of Education for Exceptional Children under paragraph 4 of this section must take necessary measures to inform the public within the district's jurisdiction of the pendency of the action.

c. Procedures for use of local school district entitlement if requirements are not met.

1. The Bureau of Education for Exceptional Children may use the local school district entitlement, and funds may not "flow through" to the local school district if the local school district:

    a. Is entitled to less than $7,500 and does not consolidate its entitled monies with another local school district;

    b. Does not submit an application meeting the state and federal requirements;

    c. Is unable or unwilling to establish and maintain programs for free appropriate public education;

    d. Is unable or unwilling to be consolidated with other local school districts in order to establish and maintain those programs.

2. In meeting the requirements of the above paragraph, special education and related services may be provided through direct services, by contract, or through other arrangements. The excess cost requirement does not apply to the Bureau of Education for Exceptional Children."

Fiscal Year 1980 Requirements

At the time of this writing, the Bureau of Education for Exceptional Children does not have available definite figures for the FY 1980 allocation under EHA, Part B. However, the Bureau of Education for the Handicapped has advised the Bureau of Education for Exceptional Children to estimate Kentucky's FY 1980 allocation on the basis of $210 per child. Based upon this figure as an estimate with 85% of the state's grant flowing through to local school districts, local school districts will receive an entitlement based on $178.50 per child. Data is provided in figure 1 which estimates the number of local school districts which will receive an allocation under a consolidated application.

In order to assist local school districts in the preparation of EHA, Part B applications, 9 regional one-day workshops will be conducted in June, 1979. Information on these workshops appears at the end of Appendix II. In addition, an instructional manual has been developed to assist local school districts in the preparation of the FY 1980 local school district applications for funds under EHA, Part B.

Figure 1

Districts which will not generate $7,500 and therefore require a consolidated application:

DISTRICT	AMOUNT	3 CLOSEST DISTRICTS (possible cooperative projects)
Caverna Ind.	5,712.00	Barren Co., Glasgow, Ind., Hart County
Pineville Ind.	5,176.50	Bell Co., Middlesboro Ind. Knox County
Fairview Ind.	4,819.50	Boyd Co., Ashland Ind., Russell Ind.
Southgate Ind.	1,606.50	Dayton Ind., Campbell Co., Kenton County
Raceland Ind.	3,391.50	Greenup Co., Boyd Co., Russell Ind.
West Point Ind.	2,499.00	Hardin Co., Elizabethtown Ind. Meade County
Anchorage Ind.	2,856.00	Jefferson Co., Oldham Co., Shelby County
Barbourville Ind.	714.00	Knox Co. (Agreement in effect)
East Bernstadt Ind.	4,248.00	Laurel Co. (Agreement in effect)
Menifee County	4,998.00	Wolfe Co., Powell Co., Rowan County
Greenville Ind.	1,428.00	Muhlenberg Co., Central City Ind. (Agreement in effect)
Science Hill Ind.	1,428.00	Pulaski Co., Somerset Ind., Casey County
Providence Ind.	7,497.00	Webster Co., (Agreement in effect)

It is estimated that 100% or all 181 local school districts will receive an allocation under Part B of P. L. 94-142 funds. It is expected that there will be six (6) consolidated applications, one with nine (9) districts and that the average number of districts per consolidated application will be approximately 3.0.

Subsection D. Nondiscrimination and Employment of Handicapped Individuals

Procedures for nondiscrimination and employment of handicapped individuals are incorporated by reference from the FY 1979 Annual Program Plan. The procedures from the FY 1979 Annual Program Plan are quoted below in order to assist the public in its review of the current year's plan.

Section Incorporated by Reference from the FY 1979 Plan

"The Kentucky Department of Education has on file with the Department of Health, Education and Welfare, the assurance of compliance with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable Health, Education and Welfare regulation (45 C.F.R. Part 48), and all guidelines and interpretations issued pursuant hereto."

Subsection E. Information on Direct Services Provided by the Department of Education

The State Department of Education provides no direct services with EHA, Part B funds at this time. However, plans call for the provision of direct and support services by the State Department of Education in order to meet the needs of first and second priority children through the development of programs in response to statewide needs and newly identified first priority children. As described in Section IV of this document, this will be implemented by awarding state share-discretionary funds to agencies in the state through a request for proposal process. Agencies which receive grant awards must have in place policies and procedures for insuring that services will be provided consistent with P.L. 94-142 and applicable state laws, regulations and standards. Documentation to this effect is provided as part of the application process. On-site visits will be made to each grant recipient to monitor and evaluate the use of these funds and the provision of services to children in accordance with the approved grant and state and federal laws, regulations and standards.

As was described in last year's plan (FY 1979), the State Department of Education provides direct services for students placed at Kentucky School for the Deaf, Kentucky School for the Blind, and Alabama Institute for the Deaf and Blind. No EHA, Part B funds are used to provide these services. The services, policies and procedures as described in last year's plan (FY 1979) will continue related to children served in these three programs.

Subsection F. Implementation Procedures of the Department of Education

The procedures that the Department of Education follows to inform each public agency of its responsibility for insuring effective implementation of procedural safeguards for exceptional children served by the public agency is described in Section VII and this section of the plan. These sections also describe procedures utilized by the State Department of Education to insure that each public agency implements procedural safeguards consistent with federal regulations 121a.500-121a.514.

Approval of Kentucky's FY 1979 Plan was received contingent upon deletion of the following requirements in Kentucky's policies and procedures for procedural safegurds for exceptional children.

> "Parent Failure to Respond to Request for Consent to Evaluate:
>
> If the parent(s) fails to respond to the public agency's written request for consent for evaluation within 14 calendar days of receipt of the notice, then the evaluation may proceed, pursuant to the following.
>
> The public agency shall:
>
> 1. Provide the parent(s) with notice regarding their full due process rights in this proceeding.
>
> 2. Demonstrate with written documentation that it has repeatedly attempted to contact the parent(s) through efforts reasonably likely to succeed (i.e., regular mail, telephone, home visits, certified mail).
>
> 3. Establish that there is reasonable likelihood that the child may have special needs. This shall be based upon the written referral received regarding the child.
>
> Parent Failure to Respond to Request for Consent for Placement
>
> If the parent(s) fail to respond to the public agency's written request for consent for placement in the recommended program within 14 calendar days of receipt of the notice, the public agency may proceed with the placement, pursuant to the following:
>
> The public agency shall:
>
> 1. Provide the parent(s) with notice regarding their full due process rights in this proceeding.
>
> 2. Demonstrate with documentation that it has repeatedly attempted to contact the parent(s) through efforts which are reasonably likely to succeed (i.e., regular mail, telephone calls, home visits, certified mail).
>
> 3. Establish that there is reasonable likelihood that the child may have special needs. This shall be based upon the written documentation including evaluation information and the Individual Education Programs."

All local school districts and other appropriate public agencies received information regarding this deletion in state policy. In a letter from the Superintendent of Public Instruction, public agencies were directed to discontinue this procedure immediately. The monitoring of these agencies will serve the dual purpose of insuring that public agencies fully understand the appropriate procedure which is now to be followed and to insure that procedures consistent with 121a.500 through 121a.514 are being followed.

Similarly the Due Process Policy and Procedure Manual which contains the provision cited above has been revised accordingly and is being submitted through the appropriate state approval process. Upon approval of the revisions in this Due Process Policy and Procedure Manual necessitated by federal regulations, this manual will be disseminated to all public agencies. The monitoring activities described in Section XVI will be used to document compliance with this manual.

Lastly, the Bureau of Education for Exceptional Children is developing mediated training packages on the revised Kentucky Administrative Regulations and Due Process Procedures. These training packages will be utilized to provide technical assistance and inservice training by Bureau of Education for Exceptional Children staff beginning in August, 1979.

XVII. CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION

Sections 612(2)(D), 617(2c) and Federal Regulations (§121a.560 to §121a.575) require that the State Plan set forth policies and procedures established to "assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the State and local educational agencies."

Subsection A. The federal requirement of §121a.129, that "each annual program plan must include in detail the policies and procedures which the State will undertake or has undertaken in order to insure the protection of the confidentiality of any personally identifiable information collected, used, or maintained under this part" is presented here in direct quotation from federal regulations, state regulations and statutes, the Handbook on Confidentiality and/or relevant documentation pursuant to the federal requirement. These requirements apply to all agencies involved in the identification, location and evaluation of exceptional children. (Narrative passages have been avoided wherever possible and appear where necessary to provide the reader with cohesiveness of the material.)

1. Notice to Parents (121a.561)

   a. The Kentucky State Department of Education insures that "before any major identification, location or evaluation activity," notice is given to "fully inform parents about the requirements under §121a.128 of Subpart B" and consistent with §121a.561 of Subpart E. This is implemented through (1) Project SEEK (see Section V), (2) dissemination of Kentucky Administrative Regulations, (3) dissemination of the Annual Program Plan and applicable notices for public hearings and comment, and (4) through requirements for local school districts, other public agencies and approved private organizations regarding confidentiality of personally identifiable information, child identification, and evaluation.

   Through Project SEEK, dissemination of the Annual Program Plan, and Kentucky Administrative Regulations, the Department of Education utilizes appropriate media and printed material to provide notice to parents. Through the utilization of these resources, "notice (1) is provided in the native language of the various population groups in the State; (2) provides a description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information; (3) provides a summary of the policies and procedures which participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and (4) provides a description of all of the rights of parents and children regarding this information including the rights under Section 438 of the General Education Provisions Act and Part 99 of this title (the Family Educational Rights and Privacy Act of 1974, and implementing regulations)."

State requirements regarding identification, location, evaluation of exceptional children, and confidentiality of personally identifiable information are disseminated to local school districts, public agencies, and approved private organizations which are responsible for implementation. The Bureau of Education for Exceptional Children monitors and evaluates all agencies responsible for implementation of these requirements (monitoring and evaluation procedures are more fully described in Subsection 3 of this Section and in Sections XV and XVI, Subsection B, of this plan.)

b. The federal requirement that notice shall be given "which is adequate to fully inform parents about requirements under identification, location and evaluation of handicapped children" and that "the notice is given in the native language of the various population groups in the State" is included in 707 KAR 1:051, Section 9, Subsection (3) as:

> "(3) Parent(s) shall receive written notification in English and the primary language of the home regarding identification, evaluation, and placement procedures."

1. Identification of exceptional children includes "a description of the children on whom personally identifiable information is maintained" as stated below:

> "Section 2. Identification of exceptional children. Local school district personnel shall continue the identification of exceptional pupils residing in their school district including those who are otherwise eligible for attendance in public education systems but who are not attending a program of the local district; and, those pupils enrolled in the education system but who are not currently receiving an appropriate education." (707 KAR 1:051, Section 2)

These requirements apply to all exceptional children ages birth through twenty-one (21) years of age. A complete description of exceptional children is found in Section II of this plan.

2. The "types of information sought, the methods the State uses in gathering the information (including the sources from whom information is gathered) and the uses made of the information" are described in 707 KAR 1:051 as:

> "Section 4. Child Evaluation. Child evaluation refers to the sum total of information needed to make educational decisions about the child, including information obtained from such sources as informal and formal testing, behavior observation, teacher/parent interviews, work samples, social/developmental history, medical history, school records and anecdotal records." (707 KAR 1:051, Section 4)

When this information has been gathered as directed by the appropriate admissions and release committee it may be used to:

> "(e) Make recommendations as to appropriate services, and/or programs for the identified child. These recommendations shall be in the form of an Individual Education Program (IEP)." (707 KAR 1:051, Section 3, Subsection (2)(e))

"Section 6. Placement. All exceptional children as defined in KRS 157.200 are eligible for enrollment in a program for exceptional children.

(1) Placement shall be determined by the appropriate admissions and release committee." (707 KAR 1:051, Section 6)

"(c) Placement shall be based on the child's IEP." (707 KAR 1:051, Subsection (6)(c))

(A more complete description of the members, roles, and responsibilities of the admissions and release committee are found in Section IV of this plan.)

3. The requirement that notice to parents includes "a summary of the policies and procedures which participating agencies must follow regarding storage, disclosure to third parties, retention and destruction of personally identifiable information" is specified in 707 KAR 1:051, Section 9, subsection (5):

"(5) The parent(s) shall be notified annually that they have access to relevant school records consistent with the following:

(a) "Educational records are open for inspection and review of the individual child's parent(s), as defined in Section 9 (1).

(b) Upon request of the parent(s) the public agency must provide an explanation and interpretation of such records.

(c) Copies of the records must be provided if failure to do so would prevent the parent from exercising their right to review and inspect the records. A nominal fee may be charged unless it would prevent such access rights.

(1) Public agencies must inform the parent(s) when education records are no longer needed for educational services and destroy that information upon request of the parent. The agency must inform the parents that such information could be needed later for social security benefits or other purposes. A permanent record of the student's name, address, phone, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation."

4. Included in the annual notice described above is the Kentucky Administrative Regulation requirement that public agencies:

> "adopt policies and procedures consistent with the provisions of the Family Educational Rights and Privacy Act and confidentiality requirements of P. L. 94-142 for all exceptional pupils receiving educational services from that agency." (707 KAR 1:051, Section 9, Subsection (5)(m))

2. Access Rights (§121a.562)

The federal requirement that the "agency shall permit parents to inspect and review any education records relating to their children which are collected, maintained or used by the agency" is specified in 707 KAR 1:051, Section 9, Subsection (5), as follows:

"(5) The parent(s) shall be notified annually that they have access to relevant school records consistent with the following:

(a) "Educational records" are open for inspection and review of the individual child's parent(s), as defined in Section 9 (1)."

The parent(s) "right to inspect and review education records" includes:

"(b) Upon request of the parent(s) the public agency must provide an explanation and interpretation of such records.

(c) Copies of the records must be provided if failure to do so would prevent the parent from exercising their right to review and inspect the records. A nominal fee may be charged unless it would prevent such access rights.

(d) The parent may request a representative to inspect and review the child's records.

(e) The location, types and persons responsible for education records shall be made public information by the agency.

(f) A record of access shall be maintained for those individuals obtaining access to such records, except the parents and authorized parties of the agency.

(g) Information from records containing data on more than one child shall be provided in such a way as to preserve the confidentiality of the other students.

(h) The parent(s) have the right to request an amendment of information in the education records, and have the right to a hearing if the agency refuses to amend the records.

(i) If the result of the hearing does not require such amendment, the parent has the right to place a statement outlining points of dissent in the educational records. This statement must accompany the information each time it is released.

(j) A listing of the names and titles of individuals in the public agency who have access to education records must be maintained for public inspection.

(k) Parental consent must be obtained before disclosing personally identifiable information to individuals or agencies as delineated in the Family Educational Rights and Privacy Act and P. L. 94-142.

> (d) The parent may request a representative to inspect and review the child's records." (707 KAR 1:051, Section 9, Subsection (5))

Parents "shall have access" to review and inspect any educational records pertaining to their child (707 KAR 1:051, Section 9, Subsection (5)) including prior to "any meeting regarding an individual education program or hearing regarding the identification, evaluation or placement of the child". The "45 days" limitation for this requirement is set in the Handbook on Confidentiality as:

> "4. When a request is received by the agency, the agency must comply with such request without undue delay, and in no case more than 45 calendar days after such request is received." (Access Rights of Parent(4))

The Handbook on Confidentiality addresses parental authority as follows:

> "2. The agency may assume the parent has authority to review and inspect records relating to his or her children unless the agency has been advised otherwise because of state laws governing guardianship, separation, and divorce." (Access Rights of Parents (2))

3. Record of Access (§121a.563)

> "A record of access shall be maintained for those individuals obtaining access to such records, except the parents and authorized parties of the agency." (707 KAR 1:051, Section 9, Subsection (5)(f))
>
> "The agency must keep a record of all parties obtaining access to the records of any child except parents and authorized agency employees. These records must show the name of the party, the date access was given, and the purpose for which the records are to be used." (Handbook on Confidentiality, Access Rights of Parents (10))

4. Records on More than One Child (§121a.564)

The requirement pertaining to educational records which include "information on more than one child" and that "parents of those children shall have the right to inspect and review only the information relating to their child or be informed of that specific information" is addressed in the following way:

> "Information from records containing data on more than one child shall be provided in such a way as to preserve the confidentiality of the other students." (707 KAR 1:051, Section 9, Subsection (5)(g))

5. List of Types and Locations of Information (§121a.565)

> "The location, types and person responsible for education records shall be made public information by the agency." (707 KAR 1:051, Section 9, Subsection (5)(e))

> "The agency must provide the parents, upon request a list of the types and location of data collected, maintained, and used by the agency." (Handbook on Confidentiality, Access Rights of Parents (7))

6. Fees (§121a.566)

> "Copies of the records must be provided if failure to do so would prevent the parent from exercising their right to review and inspect the records. A nominal fee may be charged unless it would prevent such access rights." (707 KAR 1:051, Section 9, Subsection (5)(c))

> "A fee may not be charged for search or retrieval of such records." (Handbook on Confidentiality, Access Rights of Parents (9))

7. Amendment of Records (§121a.567)

> "The parent(s) have the right to request an amendment of information in the education records, and have the right to a hearing if the agency refuses to amend the records." (707 KAR 1:051, Section 9, Subsection (5)(h))

Procedures are specified in the Handbook on Confidentiality, Hearing Rights of Parents, in the event that an agency receives a request to amend educational records. They are stated as follows:

"II. Hearing Rights of Parents

1. The agency must notify the parents of the hearing rights which are afforded them under this law.

2. If a parent believes that records on file are inaccurate, misleading, or violate the privacy or other rights of the child, the parent may request the agency to amend the records.

    2.a. The agency must then decide whether to amend the record in accordance with the parent's request. This must be done within a reasonable period of time after the request is received.

    2.b. If the agency refuses to amend the records as requested, the agency must inform the parents of their decision and advise the parents of their rights to a hearing."

8. Opportunity for a Hearing and Result of the Hearing. (§121a.568-569)

The requirement that "the agency shall, on request, provide an opportunity for a hearing to challenge information in education records to insure it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child," is included in 707 KAR1:051, Section 9, Subsection (5)(h) as:

> "The parent(s) have the right to request an amendment of information in the education records, and have the right to a hearing if the agency refuses to amend the records."

> "If as a result of the hearing the agency decides to amend the information...accordingly and so inform the parents in writing," is specified in the Handbook on Confidentiality as follows:

>> "If the agency decides, as a result of the hearing, that the record should be amended, it must amend the record and inform the parent in writing of the amendment." (Hearing Rights of Parents (3)(h))

"If, as a result of the hearing, the agency decides" not to amend the education records," it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeming with the decision of the agency." This requirement is addressed in 707 KAR 1:051, Section 9, Subsection (5)(i) as follows:

> "If the result of the hearing does not require such amendment, the parent has the right to place a statement outlining points of dissent in the educational records. This statement must accompany the information each time it is released."

The Handbook on Confidentiality further states:

> "If the agency decides on the basis of the hearing not to amend the records, it must inform the parent of his/her right to place in the record a statement commenting on the record and his/her reasons for disagreeing with the decision of the agency. If a statement is placed in the record, it must remain a part of the record as long as the record or contested part thereof is maintained by the agency."
>
> "If the record or the contested portion of the record is disclosed by the agency to any party, the parent's statement must be disclosed also." (Hearing Rights for Parents (3))

9. Hearing Procedures (§121a.570)

Hearings, for the purpose of providing the parent an opportunity to challenge information contained in educational records that may be "inaccurate, misleading or otherwise in violation of the privacy or other rights of the child", will "be conducted in accordance with procedures in §99.22," of the regulations for the Family Educational Rights and Privacy Act. These procedures are set forth in the Handbook on Confidentiality under Hearing Rights of Parents as:

"3.a. The hearing must be held within a reasonable period of time after the request. The parent must be notified well in advance of the date, time, and place of the hearing.

3.b. The hearing may be conducted by any party, including an official of the educational agency or institution who does not have a direct interest in the outcome of the hearing.

3.c. The parent must be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted by persons of his/her own choosing or be represented by an attorney. The expense of such assistance or attorney fees are to be borne by the parent.

3.d. The agency must make its decision in writing within a reasonable period of time after the hearing is concluded.

3.e. The decision must be based solely on evidence presented during the hearing. A summary of the evidence and the reasons for the decision must be given."

10. Consent (§121a.571)

"Parental consent must be obtained before disclosing personally identifiable information to individuals or agencies as delineated in the Family Educational Rights and Privacy Act and P. L. 94-142." (707 KAR 1:051, Section 9, Subsection (5)(k))

"1. The agency must obtain parental consent before disclosing student records to anyone other than those officials of agencies using the records for educational purposes.

2. The agency must obtain parental consent before seeking information directly from the child for the purpose of evaluating his/her special education needs.

3. An agency or institution may not release data from educational records to other agencies without parental consent." (Handbook on Confidentiality, Parental Consent)

Pursuant to 707 KAR 1:051, Section 9, Subsection (7) and 707 KAR 1:060, the "Due Process Policy and Procedure Manual" either the parent(s) or the agency may request an impartial due process hearing to resolve disagreements regarding the identification, evaluation and educational placement of exceptional children or the provision of a free appropriate public education. Therefore, if the agency and parent disagree, in the event that the parent refuses to provide consent, either party may request a due process hearing.

11. Safeguards (§121a.572)

"Data Safeguards

1. One staff person at each agency must assume responsibility for the confidentiality of any personally identifiable data. It will be that person's responsibility to keep such data locked in storage.

2. All persons collecting or using such data must receive instruction regarding the policies and procedures for handling confidential data.

3. Each school district and/or agency must maintain for public inspection a current list of those agency employees who may have access to the personally identifiable data." (Handbook on Confidentiality, Data Safeguards)

"A listing of the names and titles of individuals in the public agency who have access to education records must be maintained for public inspection." (707 KAR 1:051, Section 9, Subsection (5)(j))

12. Destruction of Information (§121a.573)

"(1) Public agencies must inform the parent(s) when education records are no longer needed for educational services and destroy that information upon request of the parent. The agency must inform the parents that such information could be needed later for social security benefits or other purposes. A permanent record of the students name, address, phone, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation." (707 KAR 1:051, Section 9, Subsection (5)(1))

13. Childrens Rights (§121a.574)

"Children's Rights

A child has the same rights as those accorded parents if the child is:

1. eighteen years or older

2. legally competent"

(Handbook on Confidentiality, Children's Rights)

Subsection B. Enforcement (§121a.575)

The requirement that "the State educational agency shall describe in its annual program plan the policies and procedures, including sanctions, which the state uses to insure that its policies and procedures are followed and that the requirements of the Act and the regulations in this part are met" is presented here in two parts: (1) the chronological events which led to adoption of policies and procedures by agencies and (2) the monitoring of these requirements by the State Department of Education. (These two parts are presented in narrative with reference to related documents in Appendix IV.)

1. Chronology of Events to Assure Adoption of Policies and Procedures

   a. Kentucky established the policy of Confidentiality of Records, as required by P. L. 93-380, in adoption of the Handbook on Confidentiality, in the amended Annual Program Plan, FY 76, by the State Board for Elementary and Secondary Education (707 KAR 1:003).

   b. The Handbook on Confidentiality was contained in Section VII of the Procedures for the Identification, Evaluation and Placement of Exceptional Children. This document was disseminated in August 1977 to all local school districts, Kentucky School for the Blind, Kentucky School for the Deaf, and other public and private agencies who serve handicapped children.

c. Federal regulations were finalized in August 1977 and necessitated a letter to local school districts, public and private agencies, explaining additional requirements in regard to confidentiality under P. L. 94-142. This letter included a checklist to enable the agencies to determine compliance of adopted policies and procedures pertaining to confidentiality of personally identifiable information. This letter was sent on November 23, 1977. (See Appendix IV for letter and checklist.)

d. Every local school district in Kentucky was provided technical assistance by the Division of Field Services, Bureau of Education for Exceptional Children, in December 1977 and January 1978 to develop policies and procedures based on the checklist attached to the November 23, 1977 letter. As a part of this assistance, additional material was developed by the Division of Field Services. This included an example of policies and procedures which could be adopted by agencies to be in compliance with P. L. 93-380 as amended by P. L. 94-142 (See Appendix IV).

e. The Kentucky School for the Deaf and Kentucky School for the Blind were notified December 7, 1977 and met with the Bureau of Education for Exceptional Children staff to go through the checklist on confidentiality requirements. A site visit was made in the Spring of 1978 to both Kentucky School for the Deaf and Kentucky School for the Blind to verify that both state operated programs had adopted and implemented policies and procedures consistent with requirements for confidentiality of personally identifiable information.

f. A workshop was held in December 1977 with the Department for Human Resources central office and facility-based personnel. This workshop covered requirements of P. L. 94-142 including confidentiality. Workshop participants received the checklist on confidentiality requirements and an explanation of requirements for confidentiality of personally identifiable information.

From December 1977 through April 1978, two site visits were conducted to each of the Bureau for Health Services, Department for Human Resources, facilities to determine compliance in all areas required under P. L. 93-380 as amended by P. L. 94-142. As a follow-up to these visits, Bureau for Health Services facilities submitted to the Bureau of Education for Exceptional Children all policies and procedures to meet these federal requirements.

During the 1977-1978 school year, Bureau for Social Services facilities were monitored in conjunction with site visits to the local school districts in which the facilities are located, as all Bureau for Social Services facilities provide educational services through contractual arrangements with an adjacent local school district.

Pursuant to the March 15, 1978 policy statement between the Department of Education and the Department for Human Resources, during the 1978-79 school year, the Bureau for Social Services, Department for Human Resources, facilities submitted policies and procedures pertaining to compliance with P. L. 93-380 as amended by P. L. 94-142. Site visits were made during the 1978-79 school year to all Bureau for Social Services and Bureau for Health Services facilities to insure compliance.

As described in Section XVI, the Bureau of Education for Exceptional Children has memorandums of agreement (see Appendix VI) with Head Start, Bureau of Corrections, and Intra Agency for the Education and Arts Cabinet. These memorandums insure confidentiality of personally identifiable information for all exceptional children ages birth through twenty-one (21) years of age by all agencies. These agreements require adoption and implementation of policies and procedures consistent with requirements of federal and state regulations and standards including requirements regarding confidentiality of personally identifiable information.

g. Kentucky Administrative Regulations require that public agencies:

> 'adopt policies and procedures consistent with the provisions of the Family Educational Rights and Privacy Act and confidentiality requirements of P. L. 94-142 for all exceptional pupils receiving educational services from that agency.' (707 KAR 1:051, Section 9, Subsection (5)(m))

2. Monitoring of Requirements Related to Confidentiality of Information

a. Each local school district which submits an application for EHA, Part B funding must complete the section of the application pertaining to confidentiality which requires a description of policies and procedures in use to insure criteria in §121a.560-574 are met. Local school districts are required to describe policies and procedures in regard to:

(1) Notice to Parents

(2) Access Rights

(3) Record of Access

(4) List of Types and Locations of Information

(5) Fees

(6) Amendment of Records at Parent's Request

(7) Opportunity for Hearing

(8) Hearing Procedure

(9) Consent

(10) Safeguards (including name of local school district person responsible for insuring confidentiality and providing training or instruction regarding policies and procedures

(11) Destruction of Information

(12) Children's Rights

Similarly, all public agencies, other than the local school districts, are required through memorandums of agreement to have on file with the Bureau of Education for Exceptional Children policies and procedures which meet all federal and state requirements including requirements pertaining to confidentiality of personally identifiable information.

b. Monitoring and evaluation site visits are made to all agencies involved in the education of exceptional children. As described in Section XVI, these site visits serve as a means of determining compliance with these requirements. (see checklist in Appendix V)

c. Assurances of adoption of policies and procedures and compliance with confidentiality requirements by local school districts is also determined by the Field Service Consultants in completing the Full Service Profile and Needs Survey described in Section XVI.

d. When an agency is found to be in non-compliance with the federal and/or state requirements of Confidentiality of Personally Identifiable Information, the agency will be subject to corrective actions and/or Complaint Procedures described in Section XVI, Subsection A.

APPENDIX I

KENTUCKY REVISED STATUTES AND ADMINISTRATIVE REGULATIONS

GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY
REGULAR SESSION 1978

HOUSE BILL NO. 92

TUESDAY, FEBRUARY 28, 1978

(CORRECTED)

The following bill was reported to the Senate from the House and ordered to be printed.

AN ACT relating to public schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 157.315 is amended to read as follows:

(1) Upon the recommendation of the superintendent of public instruction, the state board of education shall adopt regulations defining and prescribing the criteria for kindergartens in the common schools (and the eligibility requirements of pupils to attend these classes).

(2) Any child who meets the minimum age requirements established by KRS 158.030 for first grade attendance but who is less than seven (7) years of age and has not previously attended kindergarten shall be eligible to attend kindergarten if, in the judgement of school officials and the consent of the parent or guardian, the child would benefit more from kindergarten instruction than from first grade instruction.

Section 2. KRS 158.030 is amended to read as follows:

(1) A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months during the school year and every child residing in the district who *satifies the age requirements of this Act* (is six years of age and over) has had the privilege of attending it. Provided, however, that any child who is six years of age or who may become six years of age by *September 1, 1979, and any year thereafter, shall attend public* (December 31 following the opening of school may enter) school *as provided by KRS 157.315 or qualify for an exemption as provided by KRS 159.030* (that he enters within thirty calendar days of the beginning of that school year, with the exception that in schools having mid-year promotions any child who is six years of age or who may become six years of age within thirty calendar days after the opening of the second semester may enter school at the beginning of that semester). Any child who *is five (5) years of age or who may become five (5) years of age by September 1, 1979, and any year thereafter, may enter a public school kindergarten. Any child who has successfully completed kindergarten during the school year 1978-79 shall be eligible for enrollment in the first grade for the school year 1979-80 notwithstanding any other age requirements of this Act* (becomes six years of age later than December 31 following the opening of the school year shall not enter school during that year and in schools having mid-year promotions any child who becomes six years of age later than thirty days after the opening of the second semester shall not enter school during that semester. Entrance age requirements for those pupils attending an approved kindergarten in the common schools shall be as established in accordance with regulations adopted under KRS 157.315).

(2) The parent or legal guardian of any child who becomes five (5) years of age on or before December 31 may petition the state board of education to allow the child to enter kindergarten at the beginning of the school year in which the child becomes five (5).

(3) The parent or legal guardian of any child who becomes six (6) years of age on or before December 31 may petition the state board of education to allow the child to enter first grade at the beginning of the school year in which the child becomes six (6).

(4) The state board for elementary and secondary education shall establish procedures for consideration of such petitions including readiness testing and such other measures as may be deemed necessary.

Section 3. KRS 159.010 is amended to read as follows:

Except as provided in KRS 159.030, each parent, guardian or other person residing in the state and having in custody or charge any child between the ages of *six (6)* [seven (7)] and sixteen (16) shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session, or to the public school that the board of education of the district makes provision for the child to attend. A child's age is between *six (6)* [seven (7)] and sixteen (16) when the child has reached his *sixth* [seventh] birthday and has not passed his sixteenth birthday. [Any parent or guardian who elects to send a child six (6) years of age to school shall keep the child in regular attendance.] Every child actually resident in this state is subject to the laws relating to compulsory attendance, and neither he nor the person in charge of him shall be excused from the operation of those laws or the penalties under them on the ground that the child's residence is seasonable or that his parent is a resident of another state.

Section 4. KRS 159.030 is amended to read as follows:

(1) The board of education of the district in which the child resides shall exempt from the requirement of attendance upon a regular public day school every child of compulsory school age:

(a) Who is a graduate from an accredited or an approved four (4) year high school; or

(b) Who is enrolled and in regular attendance in a private or parochial regular day school approved by the state board of education; or

(c) Who is less than seven (7) years old and is enrolled and in regular attendance in a private kindergarten-nursery school with a permit issued pursuant to KRS 158.310.

(d) Whose physical or mental condition prevents or renders inadvisable attendance at school or application for exceptional children; or

(e) [(d)] Who is enrolled and in regular attendance in state approved private or parochial school programs for exceptional children; or

(f) [(e)] Who is enrolled and in regular attendance in a state supported program for exceptional children.

(2) Before granting an exemption under paragraph *(d)* [(c)] of subsection (1) of this section the board of education shall require satisfactory evidence, in the form of a signed

statement of a licensed physician, psychologist or psychiatrist, or public health officer, that the condition of the child prevents or renders inadvisable attendance at school or application to study. On the basis of such evidence the board may exclude any such child from school.

(3) For any such child who is excluded under the provisions of subsection (1)*(d)* [(c)], home, hospital, institutional or other regularly scheduled and suitable instruction meeting standards, rules and regulations of the State Board of Education shall be provided.

Section 5. KRS 156.445 is amended to read as follows:

(1) No textbook shall be used in any public school in Kentucky as a basal textbook unless it has been approved and listed on the state multiple list of textbooks by the state textbook commission. Any changes of textbooks made by the state textbook commission shall not become effective until grades and classes of the respective county and independent school districts have completed work for which the adopted book then in use was originally intended. Nothing in this section shall apply to the supplementary books that are needed from time to time.

(2) In approving text materials for private and parochial schools for the purpose of KRS 156.160(8) and KRS 159.030 such text materials shall be approved if they are comprehensive and appropriate to the grade level in question notwithstanding the fact if they may contain elements of religious philosophy.

Section 6. KRS 158.080 is amended to read as follows:

Private and parochial schools shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state, *consistent with KRS 156.445(2).* Except in those school districts operating a year-round school program as defined in KRS 157.320(15), the term of the school shall not be for a shorter period in each year than the term of the public school provided in the district in which the child attending the school resides. In those school districts which are operating a year-round school program, the minimum term of private and parochial schools shall be one hundred eighty-five days.

Section 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 8. The effective date of this Act shall be July 1, 1979.

Approved March 28, 1978

KINDERGARTEN REGULATIONS*

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction

Relates to KRS 157.312, 157.315, 157.360, 158.070, 158.090, 158.300
Pursuant to KRS 13.082, 156.130, 156.160

Necessity and Function: KRS 157.315 requires the State Board for Elementary and Secondary Education to adopt regulations defining and prescribing the criteria for kindergartens in the common schools and the eligibility requirements of pupils to attend these classes.

Amends: 704 KAR 5:050

Section 1. Personnel qualified to serve in an approved unit for kindergarten shall hold Kentucky teacher certification as follows:

(1) A Kentucky certificate endorsement for kindergarten teaching; or
(2) A Kentucky certificate valid for kindergarten teaching; or
(3) A Kentucky certificate valid for elementary classroom teaching initially issued prior to September 1, 1971.

Section 2. State funding for a public school kindergarten unit shall be allocated for each fifty (50) kindergarten children enrolled in a school district. A fractional portion of a unit will be awarded on the ratio of one (1) unit to fifty (50) children enrolled.

Section 3. Scheduling for a kindergarten unit shall meet one of the following plans:

(1) Conduct half-day session(s) for the school year.
(2) Conduct all day session(s) for the first semester. Conduct all day session(s) for the second semester. The second semester enrollment shall be children that have not previously enrolled in a kindergarten session in the district.
(3) Conduct alternate day session(s) all year.
(4) A school district desiring to implement a plan other than those listed in Section 3, Items 1, 2 and 3 shall submit a request for approval of such plan to tha Assistant Superintendent for the Bureau of Instruction prior to implementing such plan.

Section 4. A child who is five (5) years of age on or before December 31 following the opening of school may enter kindergarten.

Section 5. The program shall include desirable experiences in social living, physical development, emotional growth and stability, language arts, science, music, art, and creative activities. The program shall provide opportunities and experiences in accordance with each child's level of comprehension and maturation.

Section 6. The facilities shall be in compliance with the regulations of the Department of Education's Division of Buildings and Grounds.

EDUCATION AND ARTS CABINET
Department of Education

Relates to KRS 158.030
Pursuant to KRS 13.082, 156.070, 156.130

Necessity and Function: The State Board for Elementary and Secondary Education is required to establish procedures for consideration of petition of parents desiring to enter their children in school prior to legal age limits.

NEW

Section 1. The parent or legal guardian of any child who was born after September 1, but becomes five years of age on or before December 31, may petition the State Board for Elementary and Secondary Education to allow the child to enter kindergarten at the beginning of the school year in which the child becomes five years of age. The parent or legal guardian of any child born after September 1 who becomes six years of age on or before December 31 and who has not attended an approved kindergarten the previous year may petition the State Board for Elementary and Secondary Education to allow the child to enter the first grade at the beginning of the school year in which the child becomes six. Any child whose birthday falls between September 1 and December 31 and who has attended an approved kindergarten the previous year shall not be eligible for such petition (application) but will be retained or promoted at the sound discretion of the local school district authorities.

Section 2. The parent or legal guardian of a potentially eligible child may obtain prior to March 1 a petition (application) form only from the superintendent of the school district in which the child resides. It shall be the responsibility of the child's parent or guardian to submit the fully completed petition (application) to the Secretary of the State Board for Elementary and Secondary Education on or before May 1 of the calendar year in which early admittance is petitioned. However, the parent or guardian of any child who moves from another state into a school district in Kentucky after May 1 shall be eligible to petition (make application) for their child to enter kindergarten or first grade prior to August 1.

Section 3. Accompanying the fully completed petition (application) the following information must be submitted: 1) a copy of the child's birth certificate or a notarized affidavit attesting to the child's date of birth; 2) the child's readiness test results - a satisfactory score to be achieved within the standards set by the local school board; 3) any other relevant information that the parent or guardian wishes to submit in support of the petition (application); 4) a written

-over-

recommendation relating to the child's readiness for early admittance made by the local school district superintendent (or his duly authorized representative) and addressed to the State Board for Elementary and Secondary Education. A uniform petition form (application) will be prepared by the State Department of Education and samples furnished to each local district.

Section 4. Readiness test instruments for early admittance into either kindergarten or the first grade shall be selected by the local school district from those approved by the State Board for Elementary and Secondary Education. All tests shall be properly administered on dates and in facilities determined by the affected local school district, which also shall determine charges, if any, to parents or guardian who petition the State Board for their child's early admittance. Such charges, if any, are not to exceed the cost of the test and the cost of test administration. Adjacent or coterminous school districts may enter into agreements for giving the readiness test to petitioners' children residing in their school district.

Section 5. The Secretary of the State Board for Elementary and Secondary Education shall, within ten (10) days after action by the Board, send written notification of the Board's decision on the petition to both the child's parent or guardian and to the superintendent of the local school district in which the child resides.

Adopted: January 10, 1979

Approved as to form and legality:

Attorney, Department of Education

Superintendent of Public Instruction

Submit comment or request for hearing to: Fred Schultz, Secretary, Kentucky State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

I. SELECTED STATUTORY PROVISIONS RELATING TO TEACHER EDUCATION AND CERTIFICATION

A. CERTIFICATION REQUIRED OF SCHOOL EMPLOYEES

160.350 Superintendent of Schools; Appointment; Term; Salary; Vacancy; Qualifications; Removal. (Excerpt)... Before any superintendent assumes his duties he shall present to the board of education that elected him a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of administration and supervision issued in accordance with the provisions of law and which qualifies him to hold the position to which he has been elected, and he shall hold such certificate throughout the period of his employment...

161.020 Certification Authority. (1) No person shall be eligible to hold the position of superintendent, principal, teacher, supervisor, director of pupil personnel, or other public school position for which certificates may be issued, or receive salary for services rendered in such position, unless he holds a certificate of legal qualifications for such position.

(2) No person shall enter upon the duties of a position requiring certification qualifications until his certificate has been filed or credentials registered with the board of education employing him.

(3) The validity and terms for the renewal of any certificate shall be determined by the laws and regulations in effect at the time the certificate was issued.

B. AUTHORITY FOR THE ISSUANCE, REVOCATION, AND SUSPENSION OF TEACHER CERTIFICATION

161.030 Certification Authority. (1) The certification of all teachers and other school personnel is vested in the State Board for Elementary and Secondary Education. When so certified, teachers and other school personnel shall not be required to have licensure, certification, or other forms of approval from any other state agency for the performance of their respective assignments within the common schools. All certificates authorized under KRS 161.010 to 161.126 shall be issued in accordance with the published rules and regulations of the State Board for Elementary and Secondary Education through the Superintendent of Public Instruction.

(2) In the case of nontax supported schools, standards for teacher certification shall provide for the certification without further educational requirements, of any administrator, supervisor, or teacher who has attended, and received a bachelor's degree from, a standard college or university.

VIII. ELEMENTARY SCHOOL TEACHER PREPARATION - CERTIFICATION

A. PROVISIONAL ELEMENTARY CERTIFICATE
704 KAR 20:090

Section 1.

(1) The Provisional Elementary Certificate shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The Provisional Elementary Certificate shall be issued initially for a duration period which expires ten (10) years from the calendar year of completion of the curriculum requirements. This certificate shall be renewed for a ten (10) year period only upon completion of the Planned Fifth Year Program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of a Planned Fifth Year Program.

(3) The Provisional Elementary Certificate shall be valid for teaching in grades one (1) through eight (8).

It is recommended that teachers who obtain a provisional teaching certificate continue their preparation toward the requirements for a standard teaching certificate. Teachers who do not choose to work in this direction may elect to take the Planned Fifth Year Program of college work instead. The details of the Planned Fifth Year Program are presented in Chapter III of this handbook.

Curriculum Standards
TEC 25.0

Section 1.

The program of preparation for the Provisional Elementary Certificate shall consist of a four-year program of teacher preparation including the bachelor's degree and including a general education component, a related studies component, and a professional preparation component as described in these standards. The general education component shall coincide with the standards included in the General Education Component of Teacher Preparation.

Section 2.

(1) For persons beginning the program of preparation for the Provisional Elementary Certificate during the 1975-76 school term and thereafter, the related studies component shall include 18 semester hours credit distributed as follows: School music – 3 semester hours; School art – 3 semester hours; Social science – 3 semester hours; Children's literature – 3 semester hours; and Mathematics for elementary school teachers – 6 semester hours.

(2) Within the categories of the related studies component of teacher preparation an institution may authorize a variation of twenty-five percent as an adjustment for transfer credits and differences between current and previous course offerings.

158.070 School term; holidays and days closed

(1) The minimum school term shall be one hundred eighty-five (185) days. The superintendent of public instruction, upon the approval of the state board of education, may extend the minimum term to ten (10) months when the resources of the school fund or contributions by local taxation justify the extension; but no extension shall be made if it reduces the salaries of the teachers below the minimum fixed by law. A board of education may extend its term beyond the minimum term set by the superintendent of public instruction. In setting the school calendar, school shall be closed for two (2) consecutive days for the purpose of permitting professional school employes to attend statewide professional meetings. These two (2) days for statewide professional meetings shall be scheduled to begin with the first Thursday after Easter or upon request of the statewide professional educational association having the largest paid membership, the superintendent of public instruction may designate alternate dates. Furthermore, the superintendent of public instruction shall designate one (1) additional day during the school year when schools shall be closed for the purpose of permitting professional school employes to participate in regional or district professional meetings. These three (3) days so designated for attendance at professional meetings shall not be counted as a part of the minimum school term.

(2) Any local board of education operating its schools on a year-round school program base shall conform with regulations promulgated and adopted by the state board of education upon the recommendation of the state superintendent of public instruction, which regulations must be in conformity with the following criteria:

(a) The year-round school program shall be operated on a fiscal year beginning July 1 and ending June 30.

(b) A pupil's required attendance in school shall be for at least the minimum term.

(c) No teacher shall be required to teach more than the minimum term during the school year.

(3) Each local board of education shall use four (4) days of the minimum school term for in-service professional development and planning activities for the professional staff without the presence of pupils. The board of education of any school district may use no more than four (4) days of the minimum school term for holidays, two (2) days for the opening and closing of schools without the presence of pupils, a total of five (5) days for (a) national or state disaster or mourning when proclaimed by the President of the United States or the governor of the Commonwealth of Kentucky, and (b) local disaster which would endanger the health or safety of children or mourning when so designated by the district board of education and approved by the state board of education upon recommendation of the superintendent of public instruction, and shall use one day of excused absence for attendance at the Kentucky state fair for students applying for excused absence for this purpose.

(4) The state board of education, upon recommendation of the superintendent of public instruction, shall adopt regulations governing the use of school days and regulations setting forth the guidelines and procedures to be observed for the approval of the days utilized for the opening and closing of school and the days utilized for in-service professional development and planning activities for the professional staff.

HISTORY: 1976 S 354, eff. 6-19-76
1974 S 18, § 5; 1972 H 604, § 2; 1966 c 29(1)(2), c 255, § 150; 1964 c 6, § 1, c 133; 1962 c 244, Art VII, § 2; 1952 c 104; KS 4370-7

CROSS REFERENCES

Eligibility of districts for participation in public school foundation program fund, 157.350

Authorization of experimental programs, selection of school districts, 157.520

OAG 60-1053. Louisville and Jefferson County summer school sessions operated on a tuition basis are not extensions of regular school term and therefore, there is no violation of constitutional and statutory provisions requiring a uniform system of common schools to be maintained in Kentucky.

OAG 60-995. Local board of education is authorized by the state department to close school for four holidays per school year; one of these holidays may be election day

APPENDIX II

DRAFT OF FY 1980 LOCAL SCHOOL DISTRICT APPLICATION FOR FUNDS UNDER EHA, PART B

KDE/MIC APPROVED
Form No. 8460-386

Kentucky Department of Education
Bureau of Education for Exceptional Children
Capital Plaza Tower
Frankfort, Kentucky 40601

Application for Federal Assistance for the Education of Handicapped Children under Part B, Amended by P.L. 94-142

A To be completed by State Department of Education

Project Number	Congressional District	Total Amount Approved	For Fiscal Year Ending June 30, 1980

Signature (Authorized State Department of Education Official)	Date Approved

B To be completed by Applicant School District

(a) Superintendent____________________ (b) School District____________________

(c) Address____________________ (d) City_______________ (e) County_______________

(f) Zip Code__________ (g) Telephone_______________ Area Code__________

(h) Name of Program Contact Person (if different from Superintendent)__________________

(i) Address____________________ (j) Telephone_______________ Area Code________

TYPE OF APPLICATION (check one)

____ Individual School District

____ Cooperative Application - Fiscal Agent

____ Cooperative Application - Participant ______________________________
(enter name of agency acting as fiscal agent)

____ Amendment

____ Report

SECTION I - MAINTENANCE OF FISCAL EFFORT

District ______________________________

1. Excess Cost
(Regulation Section 121a.229)

   a. Calculate the average per pupil expenditure - elementary $_________

   b. Calculate the average per pupil expenditure - secondary $_________

   Each school district must keep records adequate to show that it has met the excess cost requirement.

2. Nonsupplanting
(Regulation Section 121a.230)

   Calculate the average per pupil expenditure for exceptional children only. This calculation must include only those state and/or local funds the school district expended for the education of handicapped children. This must not include capital outlay, debt service, etc.

   A. School Year 1977-78 $_________ B. School Year 1978-79 $_________

   A written explanation must accompany this application if there is a decrease of 5% or more in the school year 1978-79 when compared with expenditure in the 1977-78 school year.

SECTION II - ASSURANCES

The ______________________ school district hereby assures the State Superintendent of Public Instruction that:

1. This plan properly reflects the projected numbers of pupils, personnel and expenditures required in order to provide a free, appropriate public education (FAPE) for the operation of special education programs for exceptional children conducted within this school district. (Regulation Section 121a.220)

2. Policies and procedures from this district's approved FY 79 application for funds under EHA, Part B, are hereby incorporated by reference in regard to:

   A. Confidentiality of Personnally Identifiable Information - policies and procedures in use in the local school district which insure that the criteria in Section 121a.560-121a.574 of Subpart E of the Regulations for P.L. 94-142, i.e., notice to parents, access rights, record of access, list of types and locations of information, fees, amendment of records at parent's request, opportunity for a hearing, hearing procedures, consent, safeguards, destruction of information and children's rights are met. (Regulation Section 121a.221)

   B. Individual Education Programs (IEP) - procedures utilized by the local school district which assure that the provisions in Section 121a.340-121a.349 of Subpart C of the Regulations for P.L. 94-142 are met in regard to development of the IEP through the Admissions and Release Committee Process with appropriate committee membership, procedures to insure parent participation in IEP development, content of the IEP, review of the IEP on at least an annual basis, development and review of IEP's of children referred to and/or placed in any out of district program, procedures to insure that special education and related services identified on the IEP are delivered as specified, and development of the IEP within designated timelines. (Regulation Section 121a.235)

   C. Procedural Safeguards - policies and procedures to implement the procedural safeguards which assure that the provisions in Section 121a.500-121a.554 of Subpart E of the Regulations for P.L. 94-142 are met including provision for due process procedures for parents and children, protection in education procedures, and least restrictive environment. (Regulation Section 121a.227,236,237,240)

3. This school district affirms the goal of providing full educational opportunity to all exceptional children ages birth through twenty-one (21). (Regulation Section 121a.222)

4. Funds provided through EHA, Part B shall be used in the following order of priorities:

   A. First, to all exceptional children ages five (5) through seventeen (17) who are not receiving any educational services,

   B. Second, to exceptional children within each disability, with the most severe handicaps who are receiving an inadequate education,

   C. Third, to meet the goal of providing full educational opportunity to all exceptional children birth through age twenty-one (21) in the area served by the district. (Regulation Section 121a.225)

5. The control of funds provided under EHA, Part B, and title to property derived therefrom, shall be in this school district for the uses and purposes provided under this part, and that this school district will administer such property and funds and apply them only for the purposes for which they are granted. (Regulation Section 121a.228)

6. The expenditures for services and goods will be made exclusively for the benefit of children which meet the definitions and eligibility criteria for programs for exceptional children as found in 707 KAR 1:051; and that personnel assignments and other documentation of expenses will be readily available for audit. (Regulation Section 121a.229)

7. In no case will federal funds be used to supplant state and local funds. The amounts of funds expended for schools operated or supported by this school district will be maintained at the same level as they would have been maintained if no federal funds had been approved for these schools and that federal funds will be expended for excess costs only, i.e., those costs which are for special education for an elementary or secondary school student in the school district. (Regulation Section 121a.230)

8. Services provided handicapped children with EHA, Part B funds will be comparable, when taken as a whole, to services provided other handicapped children of this school district through use of state and local funds. Records shall be maintained for audit. (Regulation Section 121a.231)

9. Information and reports relating to performance including educational achievements of handicapped children as may be required by the Kentucky State Department of Education will be provided. (Regulation Section 121a.232)

10. This school district will keep and provide access to the State Department of Education all records necessary to insure correctness of the information furnished by the school district. (Regulation Section 121a.233)

11. All policies and programs which are established and administered by this school district will follow the regulations established by the State Department of Education and will be consistent with the Kentucky State Plan for the Education of Exceptional Children. (Regulation Section 121a.236)

12. This school district as a recipient of funds under P.L. 94-142 will make positive efforts to employ and advance in employment qualified handicapped individuals in programs assisted under this law. (Regulation Section 121a.239)

13. Programs for exceptional children operated by this school district shall be carried out consistent with each year's approved Annual Program Plan Amendment for Part B of the Education of the Handicapped Act as Amended by P.L. 94-142 (Kentucky's annual plan for special education and related services). (Regulation Section 121a.240)

14. This school district assures that the following requirements are met in regard to exceptional children enrolled in private schools through means other than school district referral and placement. (Regulation Section 121a.450-460)

    A. Special education and related services are provided and designed to meet the needs of private school exceptional children residing in its jurisdiction.

    B. Private school exceptional children are provided with genuine opportunities to participate in special education and related services consistent with the number of those children and their needs.

    C. The needs of private school exceptional children, the number of them who will participate, and the types of special education and related services which this school district will provide for them are determined after consultation with persons knowledgeable of the needs of these children, on a basis comparable to that used in providing for the participation of exceptional children enrolled in public schools.

    D. If services provided to private school exceptional children are different from those provided public school exceptional children:

        (1) The differences are necessary to meet the special needs of the private school exceptional children, and

        (2) The special education and related services are comparable in quality, scope, and opportunity for participation to those provided to public school exceptional children with needs of equal importance.

    E. Public school personnel funded through EHA, Part B may be made available in other than public school facilities only to the extent necessary to provide services required by the exceptional child for whose needs those services were designed, and only when those services are not normally provided by the private school with the public school agency maintaining administration and direction over those services.

F. EHA, Part B funds used to pay for services to exceptional children enrolled in private schools shall not include:

(1) The payment of salaries to teachers or other employees of private schools except for services performed outside their regular hours of duty and under public supervision and control; or

(2) The construction of private school facilities.

G. When EHA, Part B funds are used to purchase equipment:

(1) Equipment acquired with funds under Part B may be placed on private school premises for a limited period of time, but the title to and administrative control over all equipment must be retained and exercised by the public agency.

(2) In exercising administrative control, the public agency shall keep records of and account for the equipment, and shall insure that the equipment is used solely for the purpose of the program or project, and remove the equipment from the private school premises if necessary to avoid its being used for other purposes or if it is no longer needed for the purposes of the program or project.

H. EHA, Part B funded programs or projects carried out in public facilities, and involving joint participation by eligible exceptional children enrolled in private and public schools, may not include classes that are separated on the basis of school enrollment or the religious affiliations of the children.

I. Regarding the use of EHA, Part B funds:

(1) Funds provided under EHA, Part B and property derived from those funds may not go to the benefit of any private school.

(2) Provisions of serving private school exceptional children may not include the financing of the existing level of instruction in the private schools.

15. A free appropriate public education shall be made available to all exceptional children ages five (5) through seventeen (17) within the jurisdiction of the district and under the following conditions to children ages three (3), four (4), eighteen (18), nineteen (19), twenty (20), and twenty-one (21):

A. If this school district provides education to non-handicapped children in any of these latter age groups, it must make a free appropriate public education available to at least a proportionate number of exceptional children of the same age,

B. If this school district provides education to fifty percent (50%) or more of its exceptional children in any category or exceptionality in any of these latter age groups, it must make a free appropriate public education available to all of its exceptional children of the same age who have that exceptionality, and

C. If this school district provides education to an exceptional child in any of these latter age groups, it must make a free appropriate public education available to that child and provide that child and his/her parents all of the rights under P.L. 94-142 and state laws, regulations and standards for programs for exceptional children. (Regulation Section 121a.300)

16. Any additions, deletions or other revisions to the policies and procedures addressing these areas are submitted with this application.

CERTIFICATION

I CERTIFY, that, to the best of my knowledge, the information contained in this application is correct and complete, that the school district Board of Education has authorized me, as its representative, to give the assurances contained herein and to file this application, and that this application has been reviewed by the school district Board of Education, parents, and the general public with comments received from this review having been given affirmative consideration in finalizing this application.

Signature of Authorized Representative	DATE
Type Name of Authorized Representative	

District ______________________

SECTION III - IMPLEMENTATION PROCEDURES

1. Confidentiality of Personally Identifiable Information
(Regulation Section 121a.572)
(707 KAR 1:051, Section 9)

Provide the name and title of the school district person responsible for insuring confidentiality of personally identifiable information and providing training or instruction regarding policies and procedures for confidentiality.

______________________ (name) ______________________ (title)

2. Child Identification, Location and Evaluation
(Regulation Section 121a.128, 220, 561)
(707 KAR 1:051, Sections 2, 4, 9)
(Kentucky Consent Agreement)
(KRS 157.260)

a. Provide the name and title of the school district person(s) responsible for coordinating district child find activities.

______________________ (name) ______________________ (title)

______________________ (name) ______________________ (title)

______________________ (name) ______________________ (title)

District ______________________________

b. Describe all school district public awareness activities by completing the following chart.

Type of Activity	Description	Documented yes	no

District ______________________

c. Describe all linkages with other public and private agencies related to child indentification, location and evaluation by completing the following chart.

Name of Agency	Nature of Linkage (referral procedures utilized)

District ______ __________________

d. Describe all in-school screening activities by completing the following chart.

Academic/Developmental Screening (list titles of all screening devices)	Medical/Physical Screening (please check)			
	Health	Vision	Hearing	Speech
K				
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

e. Attach policies and procedures related to the collection, maintenance and use of data resulting from child identification, location and evaluation activities.

f. Attach any additions, deletions or revisions to child identification policies and procedures submitted with the FY 79 Part B application.

3. Participation in Regular Education Programs
(Regulation Section 121a.227)

Describe procedures to insure that to the maximum extent practicable, the school district provides special services to enable exceptional children to participate in regular education programs consistant with regulations for least restrictive environments. This description must include a statement of the types of alternative placements available for exceptional children through the school district and other agency programs.

4. Parent Participation in meeting the goal of Free Appropriate Public Education for all exceptional children.
(Regulation Section 121a.226)

Describe procedures which insure that the school district makes provision for participation of and consultation with parents and guardians of exceptional children in planning for services to meet the goal of providing a free appropriate public education to all exceptional children ages birth to twenty-one (21).

5. Public Participation
(Regulation Section 121a.234)

Describe the procedures to be utilized in making this application and all documents related to this application available to parents and the general public, including evaluations and reports. Describe the methods used for public participation and comment by the general public on this application.

District ____________________

1979-80 PERSONNEL DEVELOPMENT ACTIVITIES

Please complete this chart in order to describe procedures for the implementation and use of the Comprehensive System of Personnel Development established in Section X of the Kentucky Annual Program Plan.

Topic of Training List at least the 5 top priority needs	Type of Training (use code below)	Date (mo.) Planned	Type of Personnel (use code below)	Number to Participate	Incentive (use code below)	Funding Source (SEA, LEA, Part B, Other)	Trainer (SEA, LEA, IHE, Other)
(1)							
(2)							
(3)							
(4)							
(5)							

CODES:

Types of Training

1. awareness
2. knowledge
3. skill practice
4. skill application

Types of Personnel

1. regular classroom teacher
2. special education teacher
3. teacher aides
4. parents
5. support personnel
6. administrators
7. operations personnel
8. other (specify)

Incentive Code

1. release time
2. stipend
3. course credit
4. salary increment
5. tuition assistance
6. other (specify)

SECTION IV - DATA REQUIREMENTS

Introduction to Tables:

Table 1 - CHILD IDENTIFICATION, EVALUATION AND PLACEMENT DATA

This table does not have to be submitted with the FY 1980 Part B Application. It is being provided for your information because data for this table will need to be maintained during the 1979-80 school year and submitted with next year's EHA, Part B Application (FY 81)

Table 2 - PERFORMANCE REPORT - 1978-1979 School Year

This table must be filled out for the 1978-79 school year and must include all children who received or are in need of services and reside in the local school district.

Table 3 - EDUCATIONAL SERVICE ENVIRONMENTS (INCLUDE BOTH P.L. 89-313 AND P.L. 94-142

This table is in two parts, A and B. This table must be filled out for the 1978-79 school year and must include both children served under P.L. 89-313 and P.L. 94-142. Please read and follow the instructions in the instruction manual.

Table 4 - NUMBER OF NEW PERSONNEL NEEDED FOR 1980-81
NUMBER OF PERSONNEL FOR 1979 TO 1981

This table must include all personnel employed in the special education program for the 1978-79 school year. List personnel full time equivalents only.

Table 5 - FULL EDUCATIONAL OPPORTUNITY GOAL TIMELINES FOR HANDICAPPED CHILDREN

This table is the same as last year but must be updated for the 1978-79 and 1979-80 school years.

Table 6 - FACILITIES CURRENTLY IN USE AND NUMBER NEEDED TO MEET THE FULL EDUCATIONAL OPPORTUNITY GOAL TIMETABLE

This table must be filled out for the 1978-79 and 1979-80 school years.

Table 7 - SPECIALIZED TRANSPORTATION

Same as Table 6.

District ______________________

Table 1

CHILD IDENTIFICATION, EVALUATION AND PLACEMENT DATA

Data for this table will need to be maintained during the 1979-80 school year and submitted with next year's EHA, Part B Application (FY 81)

(Regulation Section 121a.124)

Children Identified, Evaluated and Placed in the 1979-80 School Year

Type of Handicapped Children Participating	Number of Children Participating				
	0-2 Years	3-5 Years	6-17 Years	18-21 Years	TOTAL
Trainable Mentally Handicapped					
Educable Mentally Handicapped					
Learning Disabled					
Emotionally Disturbed					
Orthopedically Impaired					
Visually Impaired					
Hearing Impaired					
Speech Impaired					
Health Impaired					
Multiple Handicapped					
Deaf/Blind					
Total					

FAPE in Public and Private Institutions

Handicapped Children	PUBLIC	PRIVATE	TOTAL
receiving FAPE (unduplicated number)			
Not receiving but need FAPE (unduplicated number)			

Table 2

PERFORMANCE REPORT - 1978-1979 School Year

CHILDREN SERVED IN PRIORITY AREAS
(Include children in LSD's, 89-313 programs and private schools

District

	RECEIVED AN EDUCATION WHICH MEETS ALL EDUCATIONAL NEEDS (1)					1st PRIORITY NOT RECEIVING AN EDUCATION (2)				2nd PRIORITY, IDENTIFY HANDICAPPED EDUCATED BUT REQUIRING ADDITIONAL SPECIAL EDUCATION AND RELATED SERVICES (3)			
	0-2	3-4	5	6-17	18-21	3-4	5	6-17	18-21	3-4	5	6-17	18-21
Trainable Mentally Handicapped													
Educable Mentally Handicapped													
Learning Disabled													
Emotionally Disturbed													
Orthopedically Impaired													
Visually Impaired													
Hearing Impaired													
Speech Impaired													
Health Impaired													
Multiple Handicapped													
Deaf/Blind													
TOTAL													

(1) Include only handicapped children who had all of their educational needs met.
(2) Include those handicapped children who did not receive any educational services.
(3) Include those handicapped children who did not have all of their educational needs met.

District ____________________

Table 3A

EDUCATIONAL SERVICE ENVIRONMENTS (INCLUDE BOTH P.L. 89-313 AND P.L. 94-142)
Placement and number of handicapped children each setting for school year 1978-1979

348

Handicapping Conditions	Regular Class (A)				Separate Class (B)				Early Education (E)	
	Special Education in Regular Class by Age Classification			Additional Needing Placement in Regular Class	Special Education in Separate Class by Age Classification			Additional Needing Placement in Separate Class	Aged 0-2 Who Received Services	Aged 0-2 Needing Services
	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)		
	3 thru 5	6 thru 17	18 thru 21	3 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 21		
Trainable Mentally Handicapped										
Educable Mentally Handicapped										
Learning Disabled										
Emotionally Disturbed										
Orthopedically Impaired										
Visually Impaired										
Hearing Impaired										
Speech Impaired										
Health Impaired										
Multiple Handicapped										
Deaf/Blind										
TOTAL										

404

105

District ______________________

Table 3B

EDUCATIONAL SERVICE ENVIRONMENTS (INCLUDE BOTH P.L. 89-313 AND P.L. 94-142)

Placement and number of handicapped children each setting for school year 1978-1979

Handicapping Conditions	Separate School Facility (C)				Other Educational Environment (D)			
	Special Education in Separate School Facilities by Age Classification			Additional Needing Placement in Separate School Facilities	Special Education in In Other Educational Environments by Age Classification			Additional Needing Placement in Other Educational Environments
	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
	3 thru 5	6 thru 17	18 thru 21	3 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 21
Trainable Mentally Handicapped								
Educable Mentally Handicapped								
Learning Disabled								
Emotionally Disturbed								
Orthopedically Impaired								
Visually Impaired								
Hearing Impaired								
Speech Impaired								
Health Impaired								
Multilpe Handicapped								
Deaf/Blind								
TOTAL								

District ______________________ Table 4

350

NUMBER OF NEW PERSONNEL NEEDED FOR 1980-81

PERSONNEL (UNDUPLICATED COUNT)	TMH	EMH	LD	ED	OH	VI	HI	SI	HLTH	MH	B/D	NUMBER OF ATTRITIONS 1978-79
Teachers, Special Class												
Teachers, Resource Room												
Teachers, Consulting/ Itinerant												

NUMBER OF PERSONNEL FOR 1979 TO 1981

PERSONNEL (UNDUPLICATED COUNT)	NUMBER EMPLOYED 1979-80	ADDITIONAL NUMBER NEEDED FOR 1980-81	NUMBER OF ATTRITIONS 1978-79	NUMBER OF CURRENT VACANCIES
Audiologists				
Diagnostic Personnel (other than Psychologist)				
Work/Study Coordinator				
Occupational Therapists				
Physical Education (only adaptive P.E. classes)				
Physical Therapists				
School Psychologists				
School Social Workers				
Special Education (Director/ Coordinator)				
Teacher Aides (in special education classes)				
Therapeutic Recreation Specialists				
Other Non-Instructional staff				
General Education Teachers				
General Education Support Staff				

Table 5

FULL EDUCATIONAL OPPORTUNITY GOAL TIMETABLE FOR HANDICAPPED CHILDREN

Show the percentage within each of the categories of handicapped school aged children expected to be receiving full educational opportunities in each school year. In the appropriate cells, estimate the year you expect to be providing full educational opportunities.

(Regulation 121a.222)

Handicapping Conditions	Ages 3-21							
	School Year 1979-80				School Year 1980-81		Est. Year of Full Services	
	3-4	5	6-17	18-21	3-4	18-21	3-4	18-21
Trainable Mentally Handicapped								
Educable Mentally Handicapped								
Learning Disabled								
Emotionally Disturbed								
Orthopedically Impaired								
Visually Impaired								
Hearing Impaired								
Speech Impaired								
Health Impaired								
Multiple Handicapped								
Deaf/Blind								

Ages 0-2 (Do Not List by Category)		
School Year 1979-80	School Year 1980-81	Est. Year of Full Services

District ______________________

Table 6

FACILITIES CURRENTLY IN USE AND NUMBER NEEDED TO MEET THE FULL EDUCATIONAL OPPORTUNITY GOAL TIMETABLE

Show the type and number of facilities currently in use and the number needed to meet the full educational opportunity goal for handicapped population during the 1979-80 school year.

(Regulation 121a.223)

Type of Facility	Number in use 1978-79	Number Needed 1979-80
Regular Classrooms serving special education students		
Resource Rooms		
Self-Contained Classrooms		
Private Special Education Day Schools		
Private Special Education Residential Schools		
Public Special Education Residential Schools		
Hospital Programs		
Occupational Therapy Facilities		
Physical Therapy Facilities		
Public Sheltered Workshops		
Private Sheltered Workshops		
Other Facilities		

District ____________________

Table 7

SPECIALIZED TRANSPORTATION

Show the number of specialized vehicles currently in use and the number needed to meet the full educational opportunity goal for handicapped children during the 1979-80 school year.

Specialized Transportation	Number in Use 1978-79	Number Needed 1979-80
Specialized Vehicles		

Children Transported	Number in 1978-79	Number to be 1979-80
Number of handicapped children transported in specialized vehicles		
Number of handicapped children transported by contractual agreement		

SECTION V - ANNUAL PROGRAM PLAN AND EVALUATION FOR PART B FUNDS

District ______________________

General Area	Objectives	Activities	Evaluation

(make additional co[illegible]s as needed)

CHILDREN AND/OR PERSONNEL TO RECEIVE DIRECT BENEFIT FROM FEDERAL (PART B) FUNDS

District ______________________________

Major Handicapping Condition	0 - 2 Years	3 - 5 Years	6 - 17 Years	18 - 21 Years	Total Served	Personnel Paid from Federal Funds			Personnel Trained with Federal Funds		
						Teachers	Aides	Other	Teachers	Aides	Other
Trainable Mentally Handicapped											
Educable Mentally Handicapped											
Learning Disability											
Emotionally Disturbed											
Other Health Impaired											
Physically Handicapped											
Hearing Impaired											
Visually Impaired											
Speech Impaired											
Deaf/Blind											
TOTAL											

EHA-B
COOPERATIVE AGENCY AGREEMENT

Each of the undersigned certifies that, to the best of his/her knowledge, the information contained in the application is correct and complete, that the agency which he/she represents has authorized him to file this application. The participating agency named below has been designated as the administrative and fiscal agency for this project. All participating agencies have entered into an agreement concerning the final disposition of equipment, facilities, and materials purchased for this project with Federal funds.

1. CERTIFICATION OF AGENCY DESIGNATED ADMINISTRATIVE AND FISCAL AGENCY FOR THIS PROJECT

A. LEGAL NAME OF AGENCY (State or local)		B. NAME AND TITLE OF AUTHORIZED REPRESENTATIVE			
C. ADDRESS (Number, street, city or town		D. SIGNATURE			
E. STATE	F. ZIP CODE	G. TELEPHONE AREA CODE	NUMBER	EXTENSION	H. DATE SIGNED
I. NUMBER OF HANDICAPPED CHILDREN PARTICIPATING IN THIS PROJECT	J. SOURCE OF FUNDS	K. AMOUNT OF FUNDS AUTHORIZED $		L. AMOUNT OF FUNDS EXPENDED $	

2. CERTIFICATION OF COOPERATING AGENCIES

A. LEGAL NAME OF AGENCY (State or local) (1)		B. NAME AND TITLE OF AUTHORIZED REPRESENTATIVE			
C. ADDRESS (Number, street, city or town)		D. SIGNATURE			
E. STATE	F. ZIP CODE	G. TELEPHONE AREA CODE	NUMBER	EXTENSION	H. DATE SIGNED
I. NUMBER OF HANDICAPPED CHILDREN PARTICIPATING IN THIS PROJECT	J. SOURCE OF FUNDS	K. AMOUNT OF FUNDS AUTHORIZED $		L. AMOUNT OF FUNDS EXPENDED $	
A. LEGAL NAME OF AGENCY (State or local) (2)		B. NAME AND TITLE OF AUTHORIZED REPRESENTATIVE			
C. ADDRESS (Number, street, city or town)		D. SIGNATURE			
E. STATE	F. ZIP CODE	G. TELEPHONE AREA CODE	NUMBER	EXTENSION	H. DATE SIGNED
I. NUMBER OF HANDICAPPED CHILDREN PARTICIPATING IN THIS PROJECT	J. SOURCE OF FUNDS	K. AMOUNT OF FUNDS AUTHORIZED $		L. AMOUNT OF FUNDS EXPENDED $	
A. LEGAL NAME OF AGENCY (State or local) (3)		B. NAME AND TITLE OF AUTHORIZED REPRESENTATIVE			
C. ADDRESS (Number, street, city or town)		D. SIGNATURE			
E. STATE	F. ZIP CODE	G. TELEPHONE AREA CODE	NUMBER	EXTENSION	H. DATE SIGNED
I. NUMBER OF HANDICAPPED CHILDREN PARTICIPATING IN THIS PROJECT	J. SOURCE OF FUNDS	K. AMOUNT OF FUNDS AUTHORIZED $		L. AMOUNT OF FUNDS EXPENDED $	

(Before preparing your budget, please study the format and entries in this sample budget detail, and the explanatory notes which follow it.)

(Name of District)

PROJECT BUDGET DETAIL

EHA-B FY 1980

CODE	ACTIVITY	AMOUNT	TOTALS
100 Administration			
132	Audit	$ 150	
154	Printing and Publishing	100	
	Total 100's		$ 250
200 Instruction			
214	Teachers, Secondary; Extra duty (ARC/IEP Meetings) 60 hrs. @ $10	$ 600*	
215	Teachers, Elem; Extra duty (ARC/IEP Meetings) 120 hrs. @ $10	1,200*	
216.06	Special Educ. Teachers, Extra duty (ARC/IEP Meetings) 200 hrs. @ $10	2,000*	
221.02	Project Coordinator (.8 time); 11 mo. (8/79-6/80); 12 equal checks. 11 pay periods @ $1,464.37 (1 check paid with FY 1979 funds)	12,886*	
221.02	Psychometrist, 10 1/4 mo. (8/79-6/80) 12 equal checks. 11 pay periods @ $1,020.83 (1 check paid with FY 1979 funds).	11,229*	
224.01	Substitute teachers, Secondary (to release teachers for in-service/workshops) 12 days @ $27	324	
224.02	Substitute teachers, Elementary (to release teachers for in-service/workshops) 32 days @ $27	864	

---

* Subject to matching Teacher Retirement, 7.84%.
** Subject to matching Social Security, 6.13% and County Employees' Retirement, 7.25%.

225.02	2 Teacher Aides (TMH Classes) 130 hrs. per mo., 9 1/4 mo., @ $3.45/hr.	$ 8,297**	
234	Psychological evaluations 60 @ $30 (est.)	1,800	
234	Due Process Hearing Officer Services	1,000	
261.01	Testing materials, secondary	400	
262.01	Testing materials, elementary	700	
265.01	Teaching supplies, secondary	1,000	
266.01	Teaching supplies, elementary	1,500	
267	Instructional Travel @ .16/mile plus meals, lodging, fees for conference, workshops, etc.	1,020	
269	Parent Activities Refreshments for parent meetings, $200; Educational & dissemination materials, $400.	600	
	Total 200's		$ 45,420

300 Attendance

311.02	Social Worker, 12 mo. (8/79-7/80) 12 equal checks. 11 pay periods @ $1,133.33 (one check paid with FY 1979 funds).	$ 12,467*	
352	Travel (Social Worker) 1,000 miles @ $.16	1,600	
	Total 300's		$ 14,067

400 Health Services

432	Medical evaluations 200 @ $6 (est.)	$ 1,200	
	Total 400's		$ 1,200

---

* Subject to matching Teacher Retirement, 7.84%.

** Subject to matching Social Security, 6.13% and County Employees' Retirement, 7.25%.

500 Transportation

531.01	Payment to parents for transporting 2 students whose handicaps prevent them from riding school bus. 32 miles per day X 175 days @ $.22	$ 1,232	
	Total 500's		$ 1,232

800 Fixed Charges

851	Social Security, matching $8,297 X 6.13%	$ 509	
852	County Employees Retirement, matching $8,297 X 7.25%	602	
852	Teacher Retirement, matching $40,382 X 7.84%	3,166	
863	Workmen's Compensation $49,867 X $.26 per 100	130	
865	Unemployment Insurance $32,297 X 2.7%	872	
	Total 800's		$ 5,279

1000 Student Body Activities

1051	Field trips 1 (to Special Olympics) @ 240 3 @ $100	$ 540	
	Total 1000's		$ 540

1200 Capital Outlay

1272	Instructional Equipment 1 wheel chair with lift @ $480 1 Audiometer @ $340	$ 820	
	Note: Only items bearing unit acquisition costs of $300 or more should be budgeted to capital outlay (1200 series).		
	Total 1200's		$ 820

Indirect Costs

$67,988 (Total of direct costs, 100 through 1100 codes) X 2.18% (approved indirect cost rate).	$ 1,482

Note: Only those funds budgeted to direct costs, codes 100 through 1100, are subject to application of the indirect cost rate. Funds budgeted to capital outlay (1200 series) and to indirect costs are not subject to indirect cost rate.

Total Indirect Cost	$ 1,482
Project Total	$ 70,290
Unbudgeted Funds	$ 2,190
FY 1980 Grant	$ 72,480

Schedule for EHA, Part B Application Workshop

The following identifies the dates, locations and participating districts for the EHA, Part B Application Workshop schedule for June, 1979. Each workshop will begin at 9:00 a.m. local time. Department of Education staff will be available until 5:00 p.m. to assist your representative with the application.

DATE	SITE	FIELD SERVICE AREAS AND DISTRICTS	
Monday June 11	Natural Bridge State Park Slade, Ky.	Area 4 (Clatis Walker) Bath Co. Bracken Co. Fleming Co. Lewis Co. Mason Co. Menifee Co. Montgomery Co. Nicholas Co. Robertson Co. Rowan Co. Augusta Ind. Maysville Ind.	Area 5 Preston Lewis Breathitt Co. Estill Co. Jackson Co. Lee Co. Owsley Co. Powell Co. Wolfe Co. Jackson Ind.
Tuesday June 12	Prestonsburg Community College Prestonsburg, Ky.	Area 1 (Helen Stevens) Boyd Co. Carter Co. Elliott Co. Greenup Co. Lawrence Co. Morgan Co. Ashland Ind. Fairview Ind. Raceland Ind. Russell Ind.	Area 2 (Darlene McCoy) Floyd Co. Johnson Co. Magoffin Co. Martin Co. Pike Co. Paintsville Ind. Pikeville Ind.
Wednesday June 13	Buckhorn State Park Buckhorn, Ky.	Area 3 (Bill Burke) Knott Co. Leslie Co. Letcher Co. Perry Co. Hazard Ind. Jenkins Ind.	Area 6 Shirley Bell Bell Co. Clay Co. Harlan Co. Knox Co. Laurel Co. Whitley Co. Barbourville Ind. Corbin Ind. East Bernstadt Ind. Harlan Ind. Lynch Ind. Middlesboro Ind. Pineville Ind. Williamsburg Ind.
Monday June 18	State Board Room Capital Plaza Tower 8th Floor Frankfort, Ky.	Area 9 (Caroline Pinne') Bullitt Co. Jefferson Co. Oldham Co. Spencer Co. Anchorage Ind.	Area 10 (David Kinney) Anderson Co. Bourbon Co. Boyle Co. Franklin Co. Harrison Co. Jessamine Co. Mercer Co. Scott Co. Woodford Co. Burgin Ind. Danville Ind. Frankfort Ind. Harrodsburg Ind. Paris Ind.
Tuesday June 19	Hospitality Inn Lexington, Ky.	Area 11 (Alice Martinson Clark Co. Fayette Co. Madison Co. Berea Ind. Richmond Ind.	Area 12 G. McPheron Casey Co. Clinton Co. Garrard Co. Lincoln Co. McCreary Co. Pulaski Co. Rockcastle Co. Russell Co. Wayne Co. Monticello Ind. Science Hill Ind. Somerset Ind.
Wednesday June 20	General Butler State Park Carrollton, Ky.	Area 7 (Diane Bahr) Boone Co. Campbell Co. Grant Co. Kenton Co. Pendleton Co. Beechwood Ind. Bellevue Ind. Covington Ind. Dayton Ind. Erlanger Ind. Ft. Thomas Ind. Ludlow Ind. Newport Ind. Silver Grove Ind. Southgate Ind. Walton-Verona Ind. Williamstown Ind.	Area 8 (Maureen Cyboron) Carroll Co. Gallatin Co. Henry Co. Owen Co. Shelby Co. Trimble Co. Eminence Ind.
Friday June 22	Western Kentucky University Barrett Conference Center Room 212 Bowling Green, Ky.	Area 13 (P. Hoechner) Breckinridge Co. Grayson Co. Hardin Co. LaRue Co. Marion Co. Meade Co. Nelson Co. Washington Co. Bardstown Ind. Cloverport Ind. Elizabethtown Ind. West Point Ind.	Area 14 (D. Bertram) Adair Co. Barren Co. Cumberland Co. Edmonson Co. Green Co. Hart Co. Metcalfe Co. Monroe Co. Taylor Co. Campbellsville Ind. Caverna Ind. Glasgow Ind.
Tuesday June 26	Pennyrile State Park Dawson Springs, Ky.	Area 15 (A. Nehring) Daviess Co. Hancock Co. Henderson Co. Hopkins Co. McLean Co. Ohio Co. Union Co. Webster Co. Dawson Springs Ind. Owensboro Ind. Providence Ind.	Area 17 (Nancy Lovett) Caldwell Co. Calloway Co. Christian Co. Crittenden Co. Livingston Co. Lyon Co. Marshall Co. Trigg Co. Murray Ind.
Wednesday June 27	Ken Lake State Park Gilbertsville, Ky.	Area 16 (E. Nehring) Allen Co. Butler Co. Logan Co. Muhlenberg Co. Simpson Co. Todd Co. Warren Co. Bowling Green Ind. Central City Ind. Greenville Ind. Russellville Ind.	Area 18 (C. Thompson) Ballard Co. Carlisle Co. Fulton Co. Graves Co. Hickman Co. McCracken Co. Fulton Ind. Mayfield Ind. Paducah Ind.

APPENDIX III

INFORMATION RELATED TO THE COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

KENTUCKY'S COMMITTEE
for
THE COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

January, 1979

Kentucky Department of Education
Bureau of Education for Exceptional Children

In order to carry out the requirements of federal legislation and regulation pertaining to personnel development under P.L. 94-142, the Kentucky Department of Education has established the Committee for the Comprehensive System of Personnel Development (CCSPD).

The major purposes of CCSPD are to advise and assist in the development of policy and procedures which will assure that a sufficient number of qualified personnel are available to provide a free, appropriate public education to handicapped children in the state.

Pursuant to accomplishing these purposes, selection criteria were established so that membership of the committee would be (1) representative of the agencies/organizations within the state which have an interest in the preparation of personnel who provide educational and/or support services to handicapped children and (2) effective in carrying out their committee responsibilities.

Some of the major concerns which will be addressed by the committee are as follows:

1. Available information is inadequate for effective manpower planning.
2. There is no mechanism existant to coordinate planning efforts of all the agencies and organizations involved in personnel development to provide adequate educational/support services to handicapped children.
3. P.L. 94-142 demands increased numbers of personnel, new skills, and information. There is an imbalance in terms of different areas of specialization and geographic areas.
4. There is no systematic means of assessing inservice needs in all agencies/organizations.

Steps which will be taken to address these concerns constitute some of the major functions which will be carried out by the committee. These functions include the following:

1. Identify needs assessment data needs and techniques so that an accurate analysis of needed (current and projected) personnel training may be done.
2. Identify current training delivery systems.
3. Analyze current training delivery systems for gaps and duplication of effort.
4. Identify types of personnel serving handicapped children and certification, licensing, etc., requirements for each type of personnel.
5. Review certification and licensing standards regarding changes needed in current standards or the establishment of new areas of certification or licensing.
6. Develop an inter-agency communication system for sharing information.
7. Review state-wide inservice training models from other state departments of education for possible adoption/adaption.
8. Make recommendations related to college and university programming and state-level coordination of pre-service personnel preparation.
9. Provide input regarding the philosophy, goals, objectives, training alternatives and evaluation to be included in the personnel development plan.
10. Develop a timeline projecting initiation and completion dates for activities related to implementation of the comprehensive system of personnel development.

In order to facilitate the performance of its functions in a manner which is effective and which allows for a maximum amount of input from all interested agencies, CCSPD has been organized in the following manner.

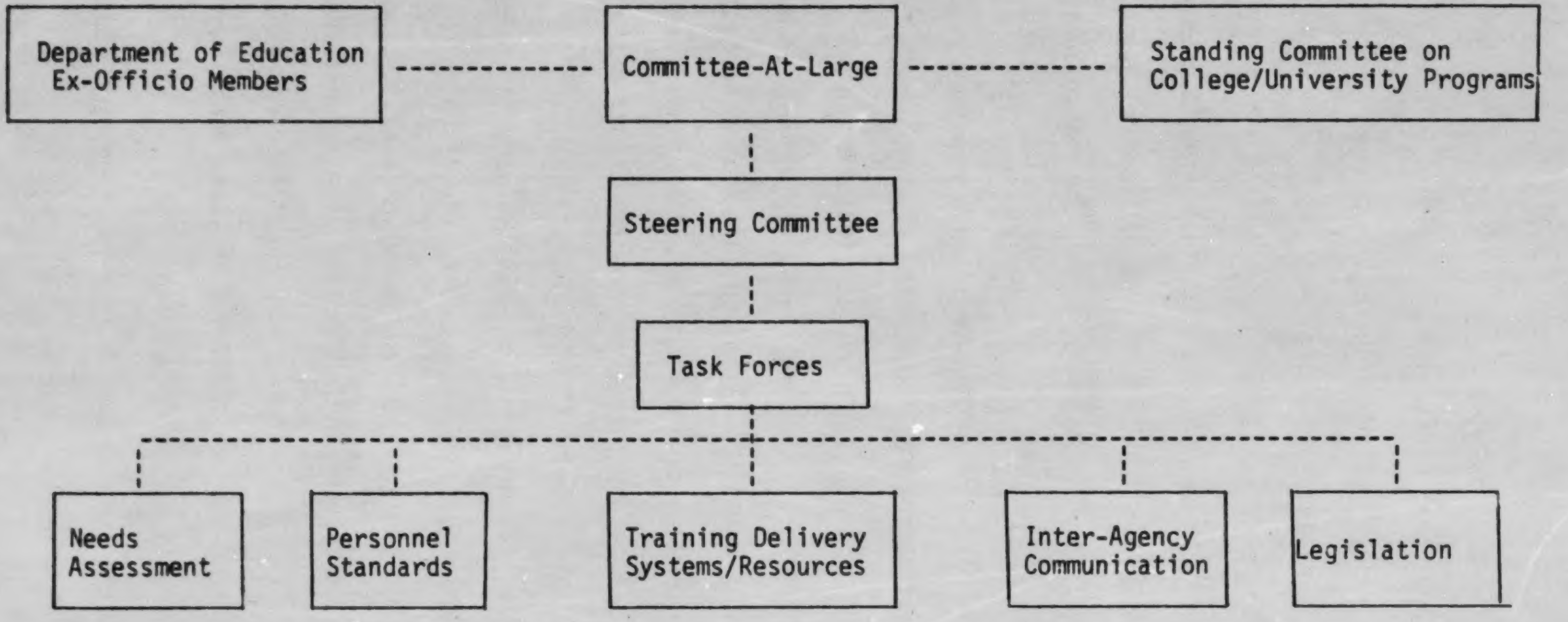
CCSPD consists of a committee-at-large which meets approximately four times a year; membership of the committee-at-large is comprised of thirty-four (maximum of forty) representatives of such agencies as the Department for Human Resources, Local School Districts, advocacy groups, Public Council on Higher Education, colleges and universities, the Bureau of Vocational Education, and the Bureau of Instruction.

From the membership of the committee-at-large is drawn the steering committee which consists of the CCSPD chairperson, vice-chairperson, secretary, and six other members of the committee-at-large who will serve as chairpersons of the five task forces and a standing committee on college/university programs. Functions of the steering committee include:

1. Establishing timelines for CCSPD activities.
2. Coordinating task forces.
3. Monitoring progress of task forces.
4. Making appointments to task forces.
5. Serving as a clearinghouse for the committee dissemination of relevant information.
6. Requesting technical assistance as needed.
7. Reviewing recommendations of task forces.
8. Submitting task force recommendations to the CCSPD.

The five task forces which have been established to carry out functions of the CCSPD related to major topical areas are as follows:

KENTUCKY DEPARTMENT OF EDUCATION
BUREAU OF EDUCATION FOR EXCEPTIONAL CHILDREN
COMMITTEE FOR THE COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT
(CCSPD)


Department of Education Ex-Officio Members
Committee-At-Large
Standing Committee on College/University Programs
Steering Committee
Task Forces
Needs Assessment
Personnel Standards
Training Delivery Systems/Resources
Inter-Agency Communication
Legislation

Task Force on Needs Assessment

Task Force on Personnel Standards

Task Force on Training Delivery Systems/Resources

Task Force on Interagency Communication

Task Force on Legislation

The membership of the task forces will include both members of the committee-at-large and other representatives of involved agencies/organizations according to the needs related to carrying out the responsibilities of each task force.

The standing committee on college/university programs is composed of the CCSPD representatives from college/university programs. It has several on-going functions which include the following:

1. Based on priority pre-service needs, (a. numbers of personnel projected as needed; b. skills and information needed) plan for the cooperative development and utilization of resources.
2. Review and advise on task force recommendations which relate to college/university programs.
3. Assist in the determination of issues related to college/university programs which should be addressed by the CCSPD.

Members of the Department of Education serve as ex-officio members to the CCSPD. These ex-officio members, who include personnel from the Bureau of Education for Exceptional Children, have the following responsibilities.

1. Serve as liaison between CCSPD and Kentucky Department of Education.
2. Make arrangements for CCSPD meetings.
3. Responsible for fiscal expenditures incurred by CCSPD.
4. Provide secretarial assistance.
5. Provide information and assistance as needed.

6. Assist in compiling CCSPD reports.
7. Assist in disseminating information and reports.

TASK FORCE ON TRAINING DELIVERY SYSTEM/RESOURCES

CRITERIA FOR SELECTION OF COMMITTEE MEMBERS

The degree of expertise possessed by each member, professional or consumer, is an influencing factor in selection to serve on the Committee for the Comprehensive System of Personnel Development. This knowledge, coupled with a general understanding of the field or education for the handicapped affords the state a rich source of information. The criteria for membership on the Committee for the Comprehensive System of Personnel Development include:

I. Selection criteria applied to all members include the following:

   1. Interest in the preparation of personnel to provide educational and/or support services to handicapped children;
   2. Willingness/ability to devote time to committee activities;
   3. Recognized leadership;
   4. Experience/expertise in the areas under consideration;
   5. Willingness to express ideas;
   6. Willingness to identify and represent views of the group he/she is to represent.

II. Specific criteria which might be applied to members of each representative group in the proposed committee include the following:

   A. Parents of handicapped youth, handicapped individuals, advocacy groups:

      1. Familiarity with problems in obtaining needed educational and related services;

2. Awareness of specific problems often encountered by handicapped children in the schools;
3. Awareness of appropriate educational goals and objectives for handicapped children.

B. Teachers, personnel from comprehensive care centers, Department for Human Resources residential facilities, private organizations with educational programs for exceptional children:

1. Awareness of information, skills, and resources needed by personnel involved in providing educational and support services to handicapped children;
2. Awareness of local resources which may be used to help implement the inservice training system.

C. College and university personnel, staff development personnel from Department for Human Resources facilities, and private organizations:

1. Awareness of advantages and disadvantages of various inservice training models;
2. Awareness of regional, state, and national resources which could facilitate inservice training of local district special education personnel;
3. Awareness of innovative and effective instructional methods and materials appropriate for exceptional children.

MEMBERSHIP LIST

COMMITTEE FOR THE COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

KENTUCKY DEPARTMENT OF EDUCATION
BUREAU OF EDUCATION FOR EXCEPTIONAL CHILDREN
APRIL, 1979

COMMITTEE FOR COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CCSPD) MEMBERS

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COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (1979)

Chairperson: Marvin Holmes

Vice-Chairperson: Nancy Howard

Secretary: Cecilia Arbuckle

Task Force Chairpersons:

Legislation - April Kerr

Needs Assessment - Karen Greenough

Delivery Systems - Carol Tackett

Personnel Development - Donnalie Stratton

Inter-Agency Communication - Lorraine Kroetch

TASK FORCE ON PERSONNEL STANDARDS

PURPOSE: RECOMMENDED CHANGES NEEDED ON THE ESTABLISHMENT OF NEW STANDARDS REGARDING LICENSING OR CERTIFICATION OF PERSONNEL WHO PROVIDE EDUCATION OR SUPPORTING SERVICES TO EXCEPTIONAL LEARNERS

OBJECTIVES	ACTIVITIES	RESOURCES	EXPECTED OUTCOMES	TIME
1. Identify types of personnel providing educational and/or supportive services to exceptional learners.	1.1 Conduct a survey of local educational agencies and Bureau of Exceptional Children to determine the types of personnel providing educational and/or supportive services to the handicapped. 1.2 Analyze data from survey to: - identify discrepancies - draw inferences on projections for additions or deletions of personnel.	1.1 List of educational agencies and Bureau personnel to contact concerning types of personnel providing educational and supportive programs. 1.1.1 Child Find Study 1.1.2 Survey Data	1.1 Summary data by catagories on types of personnel and agencies utilizing these services. 1.2 Recommendations to Department of Education between discrepancies.	
2. Identify competencies needed for each area of exceptionality.	2.1 Survey each institution of Higher Education and Bureau Personnel to identify competencies of training programs. 2.2 Identify types of personnel being utilized in: urban areas, sub-urban areas, and rural areas. 2.3 Determine staffing needs relating to the various areas of urban, sub-urban areas, or rural areas.	2.1 List of college, university, or Bureau personnel to contact regarding Competency Based Education Programs. 2.2 The Standing Committee on Higher Education	2.1 A listing of competencies by areas of exceptionality	
3. Review proposed licensing and certification standards for personnel working with handicapped learners.	3.1 Examine existing standards for content, level, and other pertinent data. 3.2 Survey the Health Services Commission and their State Plan for Licensing standards.	3.1 Certification standards, Department of Education 3.2 State Plan for Health Services	3.1 Compendium of rules and regulations and standards regarding licensing and certification.	

TASK FORCE ON PERSONNEL STANDARDS

PURPOSE: RECOMMENDED CHANGES NEEDED ON THE ESTABLISHMENT OF NEW STANDARDS REGARDING LICENSING OR CERTIFICATION OF PERSONNEL WHO PROVIDE EDUCATION OR SUPPORTING SERVICES TO EXCEPTIONAL LEARNERS

OBJECTIVES	ACTIVITIES	RESOURCES	EXPECTED OUTCOMES	TIME
	3.3 Review state legislation, administrative rules and regulations concerning licensing and certification standards.	3.3.1 Kentucky Administrative Regulations 3.3.2 Kentucky Revised Statutes		
4. Identify a system for determining needed changes in personnel standards.	4.1 Utilize data from the needs assessment task force and personnel standards to determine needed changes in personnel standards.	4.1 Needs assessment task force	4.1 Suggested delivery system for changes in personnel standards.	
	4.2 Analyze data in terms of manpower supply and demand and share results with other committees			
5. Identify areas in which modifications of personnel standards are needed.	5.1 Survey practitioners in the field	5.1 Listing of personnel from the Bureau of Exceptional Children	5.1 Suggested changes in personnel standards	
	5.2 Survey needs from Kentucky Teacher Education Council and Health Services reports for identified areas of modifications.	5.2 Teacher Education Council and Health Services		
	5.3 Compare data from surveys and dissiminate to the Bureau of Exceptional Children.	5.3 Health Services reports.		

TASK FORCE ON PERSONNEL STANDARDS

PURPOSE: RECOMMENDED CHANGES NEEDED ON THE ESTABLISHMENT OF NEW STANDARDS REGARDING LICENSING OR CERTIFICATION OF PERSONNEL WHO PROVIDE EDUCATION OR SUPPORTING SERVICES TO EXCEPTIONAL LEARNERS

OBJECTIVES	ACTIVITIES	RESOURCES	EXPECTED OUTCOMES	TIME
6. Prepare recommendations for CCSPD relating to the establishing of personnel standards for persons working with handicapped learners.	6.1 Establishing a sub-committee to review information on needs assessment pertinent to personnel standards.	6.1 Materials for needs assessment task force and data relating to personnel standards.	6.1 Recommendations from personnel standards task force to CCSPD and to appropriate agencies (Department of Education, Health Services).	

TASK FORCE ON TRAINING DELIVERY SYSTEM/RESOURCES

PURPOSE: TO DETERMINE THE AVAILABLE SYSTEMS AND THE GAPS IN THE SYSTEMS FOR PROVIDING TRAINING TO PERSONNEL INVOLVED IN THE EDUCATION OF HANDICAPPED CHILDREN AND TO RECOMMEND ADDITIONS, DELETIONS OR CHANGES IN THESE SYSTEMS

OBJECTIVES	ACTIVITIES	RESOURCES	EXPECTED OUTCOMES	TIME
1. To identify the current pre-service programs available to personnel involved in the education of handicapped children.	1.1 Collect college and university catalogs and summarize information. 1.2 Compare data collected in 1.1 to data gathered by Kentucky Consortium.	1.1 List of college and university people to contact concerning program offerings in special education at these institutions. 1.2 Registry of Training Institutions. 1.3 "Resource File on Kentucky's College and University Faculty Personnel Who Teach or Provide Services in the Area of Special Education" compiled by the Training Consortium. 1.4 "Kentucky Graduating Special Education Teachers Available for Employment" compiled by the Kentucky Training Consortium.	1.1 Listing of resource package showing summary of list and 1.2.	June - September -
2. To identify the current inservice programs available to personnel involved in the education of handicapped children.	2.1 Prepare and circulate a questionnaire to send to colleges, univeristies, agencies and local school districts concerning courses and workshops presently offered for inservice. 2.2 Ask for description of arrangements for inservice training that involves cooperation with school systems, service agencies, etc. (any arrangements)	2.1 List of agencies and people to contact at those agencies (Agencies that offer services to exceptional children) 2.2 List of people in Local School Districts who would serve to give information about programs in their school districts.	2.1 Listing of training sources and contact persons at each training center. 2.2 Prepare a calendar of training activities, workshops, seminars, etc. (See example enclosures)	June - June -

TASK FORCE ON TRAINING DELIVERY SYSTEM/RESOURCES

URPOSE: TO DETERMINE THE AVAILABLE SYSTEMS AND THE GAPS IN THE SYSTEMS FOR PROVIDING TRAINING TO PERSONNEL INVOLVED IN THE EDUCATION OF HANDICAPPED CHILDREN AND TO RECOMMEND ADDITIONS, DELETIONS OR CHANGES IN THESE SYSTEMS

OBJECTIVES	ACTIVITIES	RESOURCES	EXPECTED OUTCOMES	TIME
3. To identify duplication of efforts among the present training delivery systems and the need for restricting the development of certain kinds of training programs.	3.1 Compile and examine data collected in activities listed for 1.1, 1.2, 2.1, 2.2.		NOTE: Do not feel that training programs should be restricted due to agency regulations, etc. Variety of training will serve as an additional input to the system of training.	Sept. -
	3.2 Recommend restriction or no restriction based on needs assessment Task Force.			To be Determined
4. To identify gaps in the present Training Delivery Systems	4.1 Examine data from Child Find Project and other needs assessments to project long-range manpower needs (local board, State facilities, other agencies) this to data collected in 1.1, 1.2 to identify areas where gaps exist.	4.1 Child Find data collected by Needs Assessment Task Force	4.1 List new programs needed to fill gaps.	Sept. -
	4.2 Examine content of pre-service and inservice programs and poll graduates of these programs concerning their perception of gaps within the programs based upon subsequent experiences.			

TASK FORCE ON TRAINING DELIVERY SYSTEM/RESOURCES

PURPOSE: TO DETERMINE THE AVAILABLE SYSTEMS AND THE GAPS IN THE SYSTEMS FOR PROVIDING TRAINING TO PERSONNEL INVOLVED IN THE EDUCATION OF HANDICAPPED CHILDREN AND TO RECOMMEND ADDITIONS, DELETIONS OR CHANGES IN THESE SYSTEMS

OBJECTIVES	ACTIVITIES	RESOURCES	EXPECTED OUTCOMES	TIME
5. To identify training sites which could provide appropriate experiences for students seeking training in the various areas of exceptionality.	5.1 Identify training sites for pre-service and inservice education that would be available as training sites for students of exceptional children. (local school districts, colleges and universities, agencies, State Department of Education facilities).		5.1 List of training sites for clinical practicum for practitioners.	June - April
6. To recommend cooperative agreement with established, quality training resources.	6.1 Survey existing needs that are not available within a school district.		6.1 List of agency personnel, schools, etc. to establish cooperative agreement for training sites.	June - April
	6.2 Examine Registry of Training Institutions and other resources for availability of services.			Sept. -
	6.3 Disseminate to local school districts the availability of resources in 6.2.			Jan. -

NEEDS ASSESSMENT TASK FORCE

PURPOSE: TO DETERMINE PERSONNEL DEVELOPMENT NEEDS TO BE ADDRESSED IN ORDER TO ASSURE AVAILABILITY OF AN ADEQUATE NUMBER OF PERSONNEL TO MEET THE NEEDS OF HANDICAPPED CHILDREN AND YOUTH IN KENTUCKY

OBJECTIVES	ACTIVITIES	RESOURCES	EXPECTED OUTCOMES	TIME
1. To determine number of handicapped children who are served and unserved by disability and by county.	1.A. Review annual state plan 1.B. Review child find data 1.C. Obtain suggestions for identifying severely handicapped 1.D. Formulate recommendations regarding the categories by which data should be made available.	Members of the task force	1. Recommendations to BEEC	1. August, 1978
2. To determine the number of service units needed according to disability and county.	2.A. Review Part B forms 2.B. Compare above with number of children in need of service 2.C. Formulate recommendations regarding data needed in order to better predict number and location of units needed.	Members of the task force	2.A. Estimate of number of service units needed 2.B. Recommendations to BEEC	2. September, 1978
3. To project staffing needs for instruction, related services, and administration.	3.A. Review annual program plan data from LEAs, state-operated programs and private educational agencies. 3.B. Compile list of related service personnel. 3.C. Obtain estimates of numbers of different types of personnel needed per number of handicapped children and youth. 3.D. Apply these estimates to the estimates of number of children unserved and service units needed,	Members of the task force	3. Projection of staffing needs	3. September, 1978

NEEDS ASSESSMENT TASK FORCE

PURPOSE: TO DETERMINE PERSONNEL DEVELOPMENT NEEDS TO BE ADDRESSED IN ORDER TO ASSURE AVAILABILITY OF AN ADEQUATE NUMBER OF PERSONNEL TO MEET THE NEEDS OF HANDICAPPED CHILDREN AND YOUTH IN KENTUCKY

OBJECTIVES	ACTIVITIES	RESOURCES	EXPECTED OUTCOMES	TIME
4. To determine number of students enrolled, according to certification area, in each of the special education training programs in the state.	4.A. Locate, revise, or develop information forms. 4.B. Collect information from training programs. 4.C. Summarize data collected.	Needs assessment task force.	4. Report of number of students by certification area currently enrolled in training programs in the state.	4. November, 1978
5. To determine the number of persons who should be in the training programs to assure a sufficient number of teachers in each certification area.	5.A. Compare projected needs with current numbers of personnel and students in training programs. 5.B. Compare training programs needed with existing programs.	Needs assessment task force	5. Estimate of number of persons needing training toward certification in relation to present training emphasis in the state.	5. November, 1978
6. To determine inservice training needs of personnel providing instructional, and related services to children and youth with handicaps.	6.A. Review results of field services division's needs assessment of LEAs and state-operated programs training needs. 6.B. Interview DHR and private educational staff to determine: 1) present means of determining training needs; 2) gaps in assessing needs; and 3) results of their needs assessments. 6.C. Compile results and interpret in terms of priority and shared need for training.	Needs assessment task force	6. List of major inservice training needs according to locale, type of agency, and type of personnel.	6. December, 1978

NEEDS ASSESSMENT TASK FORCE

PURPOSE: TO DETERMINE PERSONNEL DEVELOPMENT NEEDS TO BE ADDRESSED IN ORDER TO ASSURE AVAILABILITY OF AN ADEQUATE NUMBER OF PERSONNEL TO MEET THE NEEDS OF HANDICAPPED CHILDREN AND YOUTH IN KENTUCKY

OBJECTIVES	ACTIVITIES	RESOURCES	EXPECTED OUTCOMES	TIME
7. To make recommendations concerning the above.	7.A. Make recommendations from 1, 2, 3, 4, 5, and 6 to Council on Higher Education, Legislation Resource Commission, Governor, Legislature and public.	7.A. Task force members to summarize, compare and make recommendations on data collected; to compose and send out questionnaire.	7.A. Recommendation to Department of Education and Department for Human Resources to provide training which is not currently available	7. April, 1978
		7.B. Typists and clerical workers.	7.B. Recommendation to the Department of Education for recognizing an opportunity for advancement of Manpower of agencies, schools, etc. who now possess experience in service delivery but lack certification. Recommend experience to satisfy some of the educational requirements specified by colleges and universities.	
		7.C. BEEC		

EVALUATION WORKPLAN

Objective 3.2(a) Parents

INSTRUMENT	INSTRUMENT STATUS	EVALUATION QUESTIONS ADDRESSED	ADMINISTRATION SCHEDULE	ADMINISTRATORS	RESPONDENTS	SAMPLE	DATA ANALYSIS PROCEDURE	DATA ANALYSISTS	REPORT AVAILABLE
Workshop Evaluation Form	Developed	1A	Immediately following workshop	BEEC Staff	Participants	ALL	Summary of Comments	BEEC	May 31, 1980
Pre-tests Post-tests	Draft Due October 15	1B	Immediately prior to and following workshop	BEEC Staff	Participants	ALL	Mean difference in pre-test post-test scores	BEEC	March 14, 1980
Workshop Evaluation Form	Developed	1C	In Winter, after workshops	BEEC Staff	Participants	ALL	Item frequency analysis summary of comments	BEEC	May 3[illegible], 1980

EVALUATION DESIGN

OBJECTIVE 3.2(A) PARENTS

EVALUATION CONCERN	EVALUATION QUESTION	DESIGN REFERENCE	INFORMATION NEEDED	SOURCE OF INFORMATION	DATE INFORMATION NEEDED
A. Training Content	1. Did the participants perceive the content of the training as relevant to their needs?	(Process 2.1)	If the participants did not perceive the content as relevant more adequate needs determination methods are indicated.	Workshop participants	March 14, 1980
B. Training Activities Materials.	1. Were the activities and materials effective in accomplishing the objectives?	(Output 2.2)	If there was no significant change in participants knowledge and skills, training activities/materials need to be revised and participants . . . need to be provided additional training.	Workshop participants	May 21, 1980

EVALUATION WORKPLAN

OBJECTIVE B.1(A AND B) Severely Handicapped

INSTRUMENT	INSTRUMENT STATUS	EVALUATION QUESTIONS ADDRESSED	ADMINISTRATION SCHEDULE	ADMINISTRATORS	RESPONDENTS	SAMPLE	DATA ANALYSIS PROCEDURE	DATA ANALYSTS	REPORT AVAILABLE
DRI	Completed	1A, 1B, 1C	Immediately before and after major training efforts	Master teacher	Participants	ALL	Item analysis	SHIFTT Staff	
In-service Questionnaire (Southeast Regional Center for Deaf-Blind Children)	Completed	1A	Immediately before training	Consultant(s)	Participating teachers of deaf-blind children	ALL	Item analysis	Consultant(s)	
Interview Forms	Draft Due March 30	1D	After assistance has been provided	BEEC Staff	Participants	ALL	Item analysis	BEEC	

EVALUATION DESIGN

OBJECTIVE 3.1 (A AND B)

EVALUATION CONCERN	EVALUATION QUESTION	DESIGN REFERENCE	INFORMATION NEEDED	SOURCE OF INFORMATION	DATE INFORMATION NEEDED
A. Training Activities/ Materials	1. Were the activities and materials effective in accomplishing the objectives?	(Output 2.2)	If there was no significant change in participants' knowledge and skills, training activities/materials need to be revised and further training in the same content area is needed.	Participants (Personnel in Project SHIFTT) Teachers of deaf-blind children	
B. Effect of Training on On-the-Job Performance	1. Did changes in child performance occur as a result of the training?	(Output 2.3)	Immediate gains in information skills should be translated into changes in procedures based on knowledge of the requirements of P.L. 94-142. If no child performance changes occur, further training may be needed.	Participants (Personnel in Project SHIFTT) Teachers of deaf-blind children	
C. Assessment	1. Was the needs assessment comprehensive?	(Process 2.1)	Training of personnel who provide education program to severely handicapped children will be based on the needs identified. It is important that the assessment adequately indicate training needs.	Participants (Personnel in Project SHIFTT) Teachers of deaf-blind children	

EVALUATI[illegible]ORKPLAN

OBJECTIVE B.4(A) PHYSICAL EDUCATION

INSTRUMENT	INSTRUMENT STATUS	EVALUATION QUESTIONS ADDRESSED	ADMINISTRATION SCHEDULE	ADMINISTRATORS	RESPONDENTS	SAMPLE	DATA ANALYSIS PROCEDURE	DATA ANALYSTS	REPORT AVAILABLE
Questionnaires	Draft Due January 15	1A	Following training provided by leadership teams	BEEC Staff	Local district participants, institute participants	ALL	Item frequency analysis, summary of comments	BEEC	May 31, 1980
Institute Evaluation Forms		1A	Following training provided by leadership teams	Leadership teams	Local district participants	ALL	Item frequency analysis, summary of comments	BEEC	May 31, 1980
Interview Form	Draft Due August 30	1B	Following delivery of assistance	BEEC Staff	Consultants leadership teams	ALL	Item frequency analysis	BEEC	May 31, 1973

EVALUAT[illegible] DESIGN

OBJECTIVE B.4(A) PHYSICAL EDUCATION

EVALUATION CONCERN	EVALUATION QUESTION	DESIGN REFERENT	INFORMATION NEEDED	SOURCE OF INFORMATION	DATE INFORMATION NEEDED
A. Training Model	1. Was the use of leadership institutes an effective means of accomplishing the objectives? a. for institute participants b. for participants at local school district sites? 2. Was there a significant difference in on-the-job performance change/pre-post-test differences between institute participants? local site participants?	(Process 2.3)	Multiplier effect training appears to be a cost-effective means of delivery of training to large numbers of personnel. Determination of effectiveness of such training is needed for future planning purposes.	Leadership Institute Participants Local District Site Participants	April 1, 1980
B. Use of Consultants	1. Were the technical assistance agreements detailed enough to insure that all parties a. were aware of the specific objectives to be accomplished? b. knew for which activities they were responsible?	(Process 2.1, 2.2, 2.3)	Past experience in contracting for consultative services has indicated that there is great potential for misunderstanding, particularly regarding (a) specific training objectives and (b) responsibility for particular activities.	Consultant BEEC Staff Leadership Teams Local District Site Participants	April 1, 1980

EVALUATI[illegible]ORKPLAN

OBJECTIVE 3.5(a) GIFTED-HANDICAPPED

INSTRUMENT	INSTRUMENT STATUS	EVALUATION QUESTIONS ADDRESSED	ADMINISTRATION SCHEDULE	ADMINISTRATORS	RESPONDENTS	SAMPLE	DATA ANALYSIS PROCEDURE	DATA ANALYSTS	REPORT AVAILABLE
Questionnaire	Draft Due September 1	1A	After 5 months of implementation	BEEC	LSD participants Planning Team	ALL	Item frequency analysis	BEEC	May 31, 1980
Pre-tests Post-tests Evaluation	Draft Due September 1	1B	Before and after each training session	BEEC	Participants	ALL	Item frequency analysis, Summary of Comments	BEEC	May 31, 1980
Interview Observation Form	Draft Due October 15	1C	One and a half months after first training session; two weeks after follow-up consultation	BEEC	LSD participants	ALL	Item frequency analysis, Summary of Comments	BEEC	May 31, 1980

EVALUATION DESIGN

EVALUATION DESIGN: OBJECTIVE B.3(A) GIFTED HANDICAPPED

EVALUATION DESIGN	EVALUATION QUESTION	DESIGN REFERENCE	INFORMATION NEEDED	SOURCE OF INFORMATION	DATE INFORMATION NEEDED
A. Policy/Procedures	1. Were the model policies/procedures comprehensive and effective?	Process 2.1	Policy/procedures may be adopted by other local school districts.	LSD participants Planning Team	March 1, 1980
B. Training Materials/ Activities	1. Were the materials and activities effective in accomplishing the objectives?	Output 2.2	If there was no significant change in participants' knowledge and skills, training materials and activities should be revised and further training in the same content area provided	Participants	After each workshop
C. Effect of Training — On-the-Job Performance	1. Did changes in educational programming occur as a result of the training?	Output 2.3	Immediate gains in information and skills should be translated into changes in procedures. If no changes occur, additional training may be needed.	Participants Supervisory Personnel	After each workshop

JOB DESCRIPTION

DIVISION OF FIELD SERVICES

I. The Division of Field Services may provide assistance to the Local School District (LSD) and will cooperate with other staff of the Bureau of Education for Exceptional Children (BEEC) in providing assistance to the LSD.

The TYPES of services may include:

A. Assistance in Identifying needs of the LSD

This may include such activities as:
--conducting informal needs survey interviews
--preparing needs survey reports
--conducting on-going needs surveys
--negotiating assistance agreements

B. Assistance in developing and adapting new information and materials

This may include such activities as:
--developing or adapting materials to LSD needs
--Assisting LSD in use of their materials

C. Assistance in dissemination of available and/or new information and materials

This may include such activities as:
--providing copies of regulations, guidelines, handbooks, manuals, etc.
--relaying of information, successful ideas, and projects from district to district
--providing information about professional journals and organizations
--providing information about the BEEC categorical programs

D. Providing Awareness Information, and/or Training through In-Service activities

This may include such activities as:
--conducting workshops, in-service days, seminars, etc.

E. Providing and/or securing Consultant Services

This may include such activities as:
--providing individual consultation and resources
--assistance in locating other consultants for meeting LSD needs

F. Coordinating state, regional and local activities

This may include such activities as:
--coordinating in-service activities and workshops
--facilitating contacts between LSD Personnel and Bureau Staff, intra- inter-district personnel, other agency personnel, etc.

The AREAS of assistance or services may include:

A. Developing and implementing services for all handicapped children

This may include:
- procedures for identification (child-find, task force, screening, referrals, etc.)
- procedures for assessment (informal and formal diagnostic tests, behavioral observations, psychological and physical examinations, etc.)
- procedures for placement (Admissions and Release Committees, Individual Education Programs (IEP), related services, etc.)
- providing information regarding procedural safeguards (due process, confidentiality, etc.)

B. Developing Curriculum for Exceptional Children

This may include:
- setting instructional goals
- designing instructional units
- developing and adapting curricula

C. Developing Learning Resources

This may include:
- selecting instructional materials
- producing instructional materials
- utilizing resources (personnel, funds, facilities, materials)

D. Developing Alternative Programs and Services

This may include:
- suggesting instructional arrangements
- providing information on job placement resources

E. Utilizing Support Services

This may include:
- analyzing and securing services (social services, physical therapy, prosthetic devices, etc.)
- using specialized personnel appropriately

F. Providing Training in Conducting Inservice Sessions

This may include:
- planning
- designing
- conducting
- evaluating
- follow-up

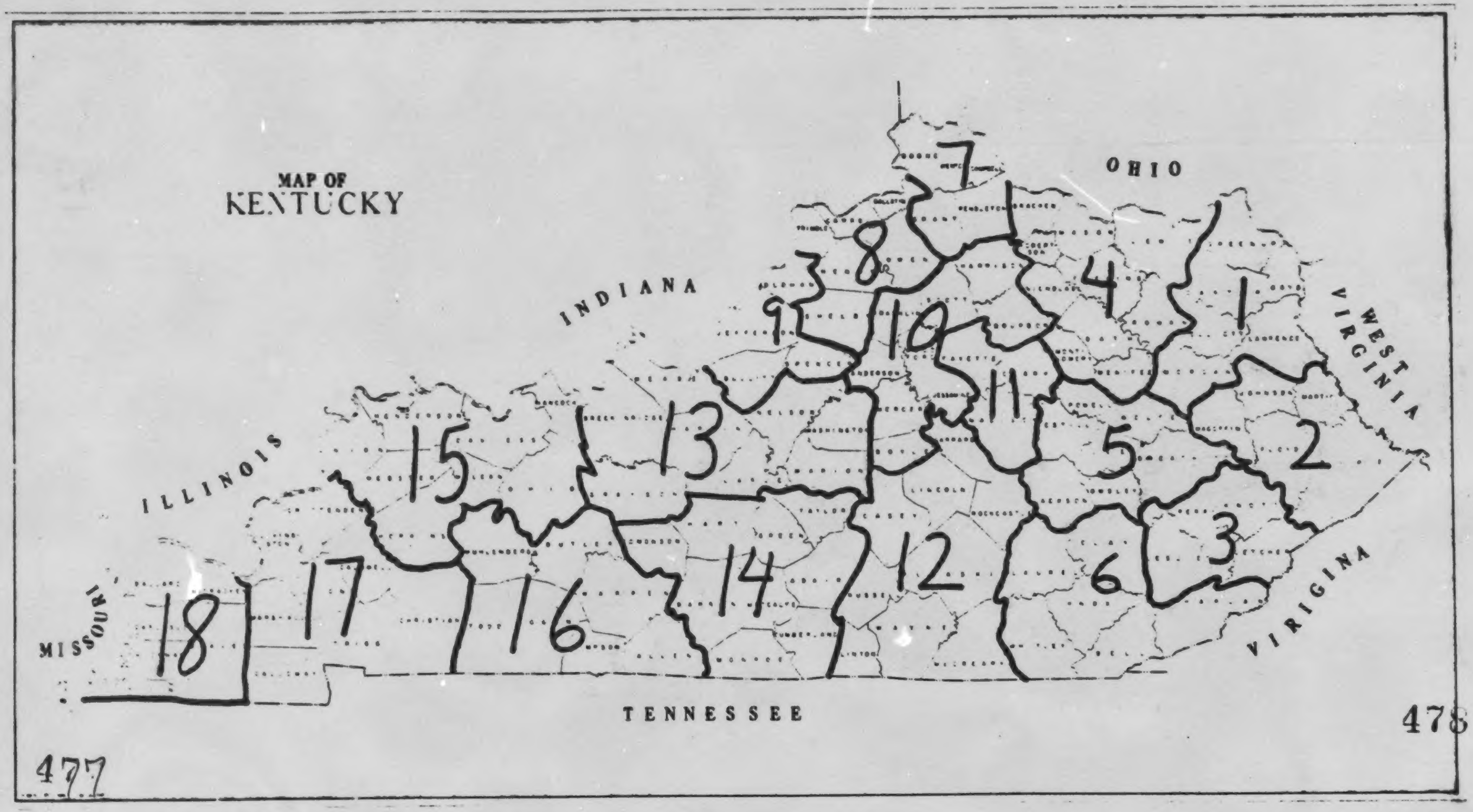
G. Relating to the Public

This may include:
- working with school boards, civic groups, parent organizations, professional organizations, etc.

II. The Field Service Consultant will increase, update, and/or improve their specific job skills by attending and participating in informational and training workshops through Bureau of Education for Exceptional Children.

The map which follows identifies the eighteen (18) geographic regions served by the Division of Field Service Consultants. Consultants within this Division provide technical assistance to local school districts and other agencies within the respective geographic areas.

BUREAU OF EDUCATION FOR EXCEPTIONAL CHILDREN
DIVISION OF FIELD SERVICES


MAP OF
KENTUCKY
OHIO
INDIANA
ILLINOIS
MISSOURI
WEST VIRGINIA
VIRIGINA
TENNESSEE
1
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477

478

IMMEDIATE FEEDBACK FORM

Please provide your opinions regarding the information or assistance provided to you. Thank you very much.

IDENTIFICATION NUMBER

State		Region			Linker			Service				
⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪
①	①	①	①	①	①	①	①	①	①	①	①	①
②	②	②	②	②	②	②	②	②	②	②	②	②
③	③	③	③	③	③	③	③	③	③	③	③	③
④	④	④	④	④	④	④	④	④	④	④	④	④
⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤
⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥
⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦
⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧
⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨

- For marking answers, use No. 2 pencil only.
- Please fill in all circles completely (●).
- Make no marks outside of the circles, except where requested.
- Written information should be given only where boxes (☐) have been supplied.
- Erase completely any answers you wish to change.

OMB No. 51-S-78021 Expiration Date: 12-31-80

"This report is authorized by Law 20 U.S.C. 1221e. While you are not required to respond, your cooperation is needed to make the results of this survey comprehensive, accurate and timely."

1. **How urgent or pressing is the request that motivated you to make use of the information service?** (Please fill in one circle.)

Not at all pressing ① ② ③ ④ ⑤ Extremely pressing

2. **If you received materials, how extensively did you review them?** (Please fill in one circle.)

Not at all ① ② ③ ④ ⑤ Very Extensively

3. **If you have received personal assistance (linker or consultant), how would you characterize the nature of that assistance?** (Please fill in appropriate circles.)

① Finding resources and information
② Helping with planning and the processes involved
③ Giving solutions to problems or needs
④ Providing generalist services
⑤ Other

____
____

4. **To what extent is the information and/or assistance relevant to your original request?** (Please fill in one circle.)

None relevant ① ② ③ ④ ⑤ All relevant

5. **How completely does the information and/or assistance address your original request?** (Please fill in one circle.)

Not at all ① ② ③ ④ ⑤ Completely

6. **How timely is the information or assistance toward addressing your original request?** (Please fill in one circle.)

Too late to be useful ① ② ③ ④ ⑤ Much ahead of when needed

↑ Right on Time

7. **How new or novel is the information and/or assistance in reference to your prior knowledge and experience?** (Please fill in one circle.)

Not at all new ① ② ③ ④ ⑤ All new

8. **How useful does it appear that the information and/or assistance will be for its intended purpose?** (Please fill in one circle.)

Not very useful ① ② ③ ④ ⑤ Very useful

9. **To what extent would you recommend this service to a colleague in need of information/assistance?** (Please fill in one circle.)

Would not recommend ① ② ③ ④ ⑤ Would recommend very highly

10. **If you have additional requests, would you use the service again?** (Please fill in one circle.)

Definitely would not ① ② ③ ④ ⑤ Definitely would

11. **What comments, if any, would you like to make about this service?**

CLIENT ASSESSMENT FORM

IDENTIFICATION NUMBER

State		Region			Linker			Service				
⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪
①	①	①	①	①	①	①	①	①	①	①	①	①
②	②	②	②	②	②	②	②	②	②	②	②	②
③	③	③	③	③	③	③	③	③	③	③	③	③
④	④	④	④	④	④	④	④	④	④	④	④	④
⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤	⑤
⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥	⑥
⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦	⑦
⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧	⑧
⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨	⑨

- **For marking answers, use No. 2 pencil only.**
- **Please fill in all circles completely (●).**
- **Make no marks outside of the circles, except where requested.**
- **Written information should be given only where boxes (☐) have been supplied.**
- **Erase completely any answers you wish to change.**

OMB No. 51-S-78021 [illegible]

"This report is authorized by Law 20 U.S.C. [illegible] While you are not required to respond, your cooperation is needed to make the results of this survey comprehensive, accurate and timely."

1. **How would you rate specific materials provided as to their degree of usefulness?**
(Please fill in the appropriate circle for each type of material received.)

Type of Material	**Very Limited or Not at All Useful** … **Very Useful**
Bibliographic Citations without Abstracts	① ② ③ ④ ⑤
ERIC Abstracts	① ② ③ ④ ⑤
ERIC Documents	
In Photocopy form	① ② ③ ④ ⑤
In Microfiche form	① ② ③ ④ ⑤
Non-computerized Bibliography	① ② ③ ④ ⑤
Journal Articles	
In Photocopy form	① ② ③ ④ ⑤
In Microfiche form	① ② ③ ④ ⑤
Professional Materials	
In Photocopy form	① ② ③ ④ ⑤
In Microfiche form	① ② ③ ④ ⑤
Program/Project Descriptions	① ② ③ ④ ⑤
Human Resource References	① ② ③ ④ ⑤
Curriculum/Instruct. Materials	① ② ③ ④ ⑤
Audio-visual Materials	① ② ③ ④ ⑤
Other ☐	① ② ③ ④ ⑤

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2. **If you received personal assistance, how would you rate your satisfaction along the following dimensions with the personal assistance provided?**

	Not at All Satisfied … **Very Satisfied**
Initial understanding of your problem or need	① ② ③ ④ ⑤
Ability to communicate in general	① ② ③ ④ ⑤
Helpfulness in interpreting the materials or information received	① ② ③ ④ ⑤

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3 **How much time did the above individual spend with you?** (Please estimate.)

Before or at the time of initial request?

Hours	Hours	Min.	Min.
☐	☐	☐	☐
⓪	⓪	⓪	⓪
①	①	①	①
②	②	②	②
③	③	③	③
④	④	④	④
⑤	⑤	⑤	⑤
⑥	⑥		⑥
⑦	⑦		⑦
⑧	⑧		⑧
⑨	⑨		⑨

In helping you interpret or use the information after it was received?

Hours	Hours	Min.	Min.
☐	☐	☐	☐
⓪	⓪	⓪	⓪
①	①	①	①
②	②	②	②
③	③	③	③
④	④	④	④
⑤	⑤	⑤	⑤
⑥	⑥		⑥
⑦	⑦		⑦
⑧	⑧		⑧
⑨	⑨		⑨

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4. **How different from or consistent with your previous beliefs and values is the information and/or assistance?**

Very different from values and beliefs ① ② ③ ④ ⑤ Very consistent with values and beliefs

10. Please describe in as much detail as possible the actual use made of the information or assistance (Example: "The information was used, together with many other sources, as research material. The materials were used in preparing a proposal for an experimental program in teaching environmental studies to high school students. My principal approved the proposal, and I have requested technical assistance from Professor Smith at the State University and funding from the state.")

Please note: The response "in my job" or "in my classroom" would not be helpful or sufficient for the purpose of thoughtful evaluation of the services.

DO NOT WRITE IN THIS SHADED AREA	

THE FOLLOWING QUESTIONS ARE OPTIONAL, BUT WOULD BE BENEFICIAL IN ORDER TO BETTER UNDERSTAND THE INFORMATION NEEDS OF THE CLIENTS OF THIS PROGRAM.

11. **Prior to making your request for information/assistance, did you discuss the need for information or assistance with any of the following groups of individuals?** (Please indicate the number of individuals for each category.)

	Number of individuals				
	0	1	2 or 3	4 or 5	more than 5
Superiors or supervisors	○	○	○	○	○
Peers or colleagues (those holding a position similar to your own in the same organization)	○	○	○	○	○
Staff	○	○	○	○	○
Committees	○	○	○	○	○
Consultants or specialists (individuals who were providing assistance to you in your work)	○	○	○	○	○
Linking agents representing the service from which you requested assistance	○	○	○	○	○
Professional friends or colleagues (other educators located outside your organization)	○	○	○	○	○
Other ☐	○	○	○	○	○

12. **After receiving the information or assistance, did you share the information or assistance with any of the following groups of individuals?** (Please indicate the number of individuals for each category.)

	Number of individuals				
	0	1	2 or 3	4 or 5	more than 5
Superiors or supervisors	○	○	○	○	○
Peers or colleagues (those holding a position similar to your own in the same organization)	○	○	○	○	○
Staff	○	○	○	○	○
Committees	○	○	○	○	○
Consultants or specialists (individuals who were providing assistance to you in your work)	○	○	○	○	○
Linking agents representing the service from which you requested assistance	○	○	○	○	○
Professional friends or colleagues (other educators located outside your organization)	○	○	○	○	○
Other ☐	○	○	○	○	○

APPENDIX IV

MATERIAL CONCERNING CONFIDENTIALITY OF PERSONNALY IDENTIFIABLE INFORMATION

COMMONWEALTH OF KENTUCKY
Department of Education
Bureau of Education for Exceptional Children
FRANKFORT 40601

November 23, 1977

Dear Superintendent:

We have been advised by Dr. Marilyn Semmes, Bureau of Education for the Handicapped, U.S. Office of Education, that in order for Kentucky to obtain Federal funds under the Education of the Handicapped Act, Part B, it is necessary that the State assure that the policies and procedures regarding the Confidentiality of Information are being implemented by all agencies who retain records and/or information necessary for the provision of an appropriate education for exceptional children.

These regulations were adopted as State Board policy in conjunction with the Annual Program Plan for Fiscal Year 1976. A handbook which enumerates the requirements and spells out the necessary procedures which must be followed has been sent to your district as a part of the Procedures for the Identification, Evaluation and Placement of Exceptional Children. Specifically, they are the "green sheets" of this manual. In addition, your application for assistance under EHA, Part B, asked you to designate a specific person on your staff to be responsible for assuring that these requirements are being carried out.

Since this "Handbook" was published, final Federal regulations for the implementation of Part B of the Education of the Handicapped Act (P.L. 94-142) have been published in the Federal Register of August 23, 1977, a copy of which you have received. The effective date of these regulations was October 1, 1977.

The Confidentiality regulations can be found in sections 121a.560 through 121a.576. You will notice that the requirements for the "destruction" of information (121a.573) have changed. Instead of destroying personally identifiable data five years after it is no longer needed to provide educational services to a child, parents are to be notified that the collected information is no longer needed for educational purposes and will be destroyed upon their request. Parents should be informed that the information may be needed by the child for social security benefits or other purposes at a later date.

This is a vital area and one that is similar to the requirements of the Family Educational Rights and Privacy Act of 1974. The specific requirements as they relate to exceptional children may not have been clearly understood and implemented. Therefore we are asking that you initiate the following measures:

1. Review of the Final Regulations and Handbook in order to be sure that the correct procedures have been implemented.
2. Notify any agency with which you may "contract" for evaluation or educational services of these procedures. (We will be glad to provide you with additional Handbooks.)
3. Contact our Bureau's Field Service Consultant in your area if you would like additional assistance or clarification in this regard.

We in the Department are making every effort to meet requirements to assure that we can receive approval of the Annual Program Plan. As stated above, the procedures regarding Confidentiality are a part of the Federal Law and regulations and must be implemented. Staff members from this Bureau will review these requirements as well as other procedural regulations during staff visits to local school districts and programs maintained by other State agencies.

Please do not hesitate to contact us if you have any questions or if we can be of any assistance.

Sincerely,

Stella A. Edwards
Assistant Superintendent

Checklist for
Confidentiality Procedures for Handicapped Students
as Required by the Family Educational Rights and Privacy Act of 1974
and P.L. 93-380 as Amended by P.L. 94-142

This document should help local school district personnel examine policies to determine if the district is in full compliance. If not in full compliance, steps should be taken immediately to remediate the situation. This document is only an aid. A "No" answer will indicate that there is a need to develop procedures and policies. For every item that is checked "No", procedures must be developed and a projected completion date must be placed in the "Completion Date" column. For every item checked "In Process", a projected completion date must be placed in the appropriate column.

YES	NO	IN PROCESS	PROJECTED COMP DATE	
				NOTICE TO PARENTS
___	___	___	___	1. Do parents receive written notice in their native language, which may be sign language, Braille, or use of an interpreter or other modes of communication? This notice shall include:
___	___	___	___	a. a description of children on whom personally identifiable information is maintained?
___	___	___	___	b. the types of information sought?
___	___	___	___	c. the methods the agency uses in gathering the information?
___	___	___	___	d. the uses to be made of the information?
___	___	___	___	2. Do parents receive a summary of policies and procedures which the agency will follow regarding storage, disclosure to third parties, retention and destruction of personally identifiable information?
___	___	___	___	3. Do parents receive a written description of all the rights of parents and children regarding this information including the rights under Part 99 of the Family Educational Rights and Privacy Act of 1974?
___	___	___	___	4. Prior to any major identification, location, or evaluation activity, such as "Child Find", is notice published and announced in newspapers and other media with circulation adequate to notify parents throughout the agency's jurisdiction?
				ACCESS RIGHTS OF PARENTS
___	___	___	___	1. Do parents receive written notification that they have the right to review and inspect any personally identifiable data relating to their children which will be collected, maintained and used by the agency in complying with P.L. 94-142?

YES	NO	IN PROCESS	PROJECTED COMP DATE	
				2. Do parents receive written notification of their authority to review and inspect records relating to his or her children unless the agency has been advised otherwise because of state laws governing guardianship, separation, and divorce?
				3. Do parents receive the name of the person or persons who will be in charge of the records and to whom they may address their requests to examine their child's records?
				4. When a request to review educational records is received by the agency, does the agency comply with such request without undue delay, and in no case more than 45 claendar days after such request is received?
				5. Should a record contain data on more than one child, are the parents notified they have the right to inspect only that which relates specifically to his or her child?
				6. Does the agency comply with reasonable requests for explanations and interpretation of the data?
				7. Does the agency provide the parents, upon request, a list of the types and location of data collected, maintained, and used by the agency?
				8. Does the agency provide copies of the data if failure to do so would prevent the parents from reviewing and inspecting such data?
				9. Do the policies and procedures include a schedule of fees for copies of data, if any? (The agency may charge a reasonable fee for providing copies of data which are made for parents, providing the fee does not prevent the parents from inspecting and reviewing this data. A fee may not be charged for searc or retrieval of such data.)

YES	NO	IN PROCESS	PROJECTED COMP DATE	
___	___	___	___	10. Does the agency keep a record of all parties obtaining access to the records of any child except parents and authorized agency employees?
___	___	___	___	11. Do these records show the name of the party, the date access was given, and the purpose for which the records are to be used?
				HEARING RIGHTS OF PARENTS (This hearing process is not to be confused with the due process hearing procedures.)
___	___	___	___	1. Does the agency notify the parents of the hearing rights which are afforded them under P.L. 93-380 as amended by P.L. 94-142?
___	___	___	___	2. Do parents receive written notification that should they believe records on file are inaccurate, misleading, or violate the privacy or other rights of the child, they may request the agency to amend the records?
___	___	___	___	2.a Does the agency have in effect a policy to amend the records in accordance with the parents' request?
___	___	___	___	2.b Does the agency comply with this request within a reasonable period of time?
___	___	___	___	2.c Does the agency inform the parents of their decision to refuse to amend the records and advise the parents of their rights to a hearing?
___	___	___	___	3. Does the agency, upon request, provide an opportunity for a hearing in order for the parents to challenge data to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy of other rights of the child?

YES	NO	IN PROCESS	PROJECTED COMP DATE		
				3.a	Does the agency have policies in effect to insure that the hearing will be held within a reasonable period of time after the request?
				3.b	Do these policies include a provision that the parent will be notified well in advance of the date, time, and place of the hearing?
				3.c	Do parents receive notification advising that the hearing may be conducted by any party, including an official of the educational agency or institution who does not have a direct interest in the outcome of the hearing?
				3.d	Does the agency afford parents a full and fair opportunity to present evidence relevant to the issues?
				3.e	Does the agency advise parents that they may be assisted by persons of their own choosing or be represented by an attorney? (The expense of such assistance or attorney fees will be borne by the parent.)
				3.f	Does the agency make its decision in writing within a reasonable period of time after the hearing is concluded?
				3.g	Does the agency base its decision solely on evidence presented during the hearing?
				3.h	Do policies in effect insure that a written summary of the evidence and the reasons for the decision will be given to the parents?
				3.i	Should the agency decide on the basis of the hearing not to amend the records, are the parents informed of their rights to place in the record a statement commenting on the record and their reasons for disagreeing with the decision of the agency? (If a statement is placed in the

YES	NO	IN PROCESS	PROJECTED COMP DATE	
				record, it will remain a part of the record as long as the record or contested part thereof is maintained by the agency. If the record or the contested portion of the record is disclosed by the agency to any party, the parent's statement will be disclosed also.)
___	___	___	___	3.j Should the agency decide, as a result of the hearing, that the record should be amended, are procedures in place to amend the record and inform the parent in writing of the amendment?
___	___	___	___	3.k Should the parent disagree with the decision of the agency, after the conclusion of the hearing, are the parents informed that they may appeal to the State Superintendent of Public Instruction or his designee?
				PARENTAL CONSENT
___	___	___	___	1. Does the agency obtain parental consent before disclosing student records to anyone other than those officials of agencies using the records for educational purposes?
___	___	___	___	2. Does the agency obtain parental consent before seeking information directly from the child for the purpose of evaluating his/her special education needs?
___	___	___	___	3. Do policies and procedures insure that an agency or institution does not release data from educational records to other agencies without parental consent?
				DATA SAFEGUARDS
___	___	___	___	1. Does a staff person at each agency have the responsibility for the confidentiality of any personally identifiable data?

Name & Title of Responsible Person ______________________

____

YES	NO	IN PROCESS	PROJECTED COMP DATE	
				2. Does that person's responsibility include keeping such data in proper storage?
				3. Do all persons collecting or using such data receive instructions regarding the policies and procedures for handling confidential data?
				4. Does each school district and/or other agency maintain for public inspection a current list of those agency employees who may have access to the personally identifiable data?
				DESTRUCTION OF DATA
				1. Does the agency inform parents when personally identifiable information is no longer needed to provide educational programs and/or services to the child?
				2. Does the agency inform the parents that such information will be destroyed upon the request of the parents?
				3. Does the agency inform the parents of their rights regarding data destruction?
				4. Do they inform the parents that the data could be needed later for social security benefits or other purposes?
				5. Does the agency keep a permanent record on each student containing name, address, phone number, grades, attendance record, classes attended, and grade completed, which may be retained by the agency, without time limitation?
				6. Does the agency have a specific listing of identifiable information which is designated as directory information?

CHILDREN'S RIGHTS

YES	NO	IN PROCESS	PROJECTED COMP DATE	
___	___	___	___	1. Do policies in effect insure that children have the same rights as those accorded parents if the children are:
___	___	___	___	a. eighteen years or older
___	___	___	___	b. legally competent

I certify that to the best of my knowledge, the above information is accurate.

Name of Agency ____________________ Date of Review

Signature and Title of Staff Member ____________________

POLICIES AND PROCEDURES CONCERNING EDUCATION RECORDS

The ____________________ Board of Education has adopted the following policies and procedures concerning education records in compliance with the Family Educational Rights and Privacy Act (PL 93-380).

1. EDUCATION RECORDS: TYPES AND LOCATION. Education records means those records which are directly related to a student and are collected, maintained, and used by the school district. Such records may include but are not limited to:

a) personal and family data

b) evaluation and test data including aptitude, achievement, interest, intelligence, personality, behavior observation, and other diagnostic information

c) medical, psychological, and anecdotal reports

d) all records of school achievement and progress reports

e) records of conferences with students and/or parents

f) copies of correspondence concerning the student

g) other information or data which may be useful in working with the student and/or required by federal or state regulations

These records shall be located in each student's cumulative folder at each school and shall be stored at the location designated by the principal of each school. The principal or his/her designee shall be responsible for the maintenance of the confidentiality of these records. Additional records and/or copies of records may be maintained in a separate file at the discretion of the principal or Superintendent. However, parents inspecting the records of their child must be informed of the location of such additional records, if any.

2. REVIEW OF EDUCATION RECORDS. Parents shall have the right to inspect and review any education record relating to their child. This right shall include the right to a response to reasonable requests for explanations and interpretations and to copies of the records upon request. Parents shall be presumed

to have these rights unless the district has been advised that the parent(s) does not have the authority under applicable state laws governing such matters as guardianship, separation, and divorce. The student shall acquire the sole right to review or grant review and/or inspection of such education redords at age 18 or upon entrance into an institution of postsecondary education.

Requests to review and inspect the records shall be addressed to the

________________. Such request shall be complied with within a reasonable
School Official
period of time not to exceed 45 days. If any record contains information on more than one child, the parent may inspect and review only information relating to their child. If copies of the records are requested, a fee of (state amount) may be charged unless this would prevent the parent from reviewing the records.

3. AMENDMENT OF EDUCATION RECORDS. Parents may request amendment of any record believed to be inaccurate, misleading, or otherwise in violation of privacy or other rights of the child. Such request shall be addressed in

writing to the ________________ and must indicate the specific record for
School
which the amendment is requested. The superintendent and/or his designee(s) will review the request for amendment within ___ days. If the records are amended, the parents shall be notified of the amendment. If the amendment is refused, parents shall be notified of their right to a hearing.

4. HEARINGS. Parents may request a hearing to challenge information in the education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. Such

requests must be addressed in writing to the ________________ who shall appoint
School Official
a Hearing Officer. This Hearing Officer may be a school official with no interest in the outcome of the hearing. The Hearing Officer shall conduct the hearing in accordance with the following procedures:

a) The Hearing Officer will set the date for the hearing which must be held within ___ days after the request is received. The Hearing

Officer shall notify the parents well in advance of the exact date, place, and time of the meeting as well as of these hearing procedures.

b) The parents shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by an individual of his or her choice at his/her own expense, including an attorney

c) The decision of the Hearing Officer shall be based solely upon evidence presented at the hearing by both parents and school officials.

d) The Hearing Officer will make a decision within ____ days after the conclusion of the hearing. Parents shall be notified of the decision. This notice shall include a summary of the evidence presented and reasons for the decision.

e) If the decision is that the records are not inaccurate, misleading, or in violation of the privacy or other rights of the child, the parents shall have the right to place in the education records of the student a statement commenting upon the information in the records and/or setting forth any reasons for disagreeing with the decision. Such statements shall be maintained as a part of the education records as long as the contested portion of the records is maintained and if the contested portion is disclosed to another party, this statement will also be disclosed to such party.

5. DISCLOSURE OF EDUCATION RECORDS. Disclosure means permitting access to or the release, transfer, or other communication of education records of the student or personally identifiable information contained therein orally or in writing or by any other means. Written consent of the parents shall be required for disclosure of any education record to any party or agency or under any condition other than those specified below. Disclosure will be made to the following individuals or under the following conditions without written parental consent:

a) parents of the child or the student age 18 or older

b) other school officials including teachers who have a legitimate educational interest in the records because of their direct involvement in the planning or implementation of the child's education program (this includes substitute teachers and student teachers where specifically authorized by a teacher or the principal to have direct current academic involvement with the student. Further, a student teacher may be assigned by the principal or by a teacher a specific limited number of students for individual case studies*)

c) officials of other schools or school systems in which the student intends to enroll, upon the condition that the parents or the student who has attained 18 years of age may receive a copy of the record if they desire, at their expense, and have an opportunity for a hearing to challenge the content of the record

d) between schools in cases where the student is enrolled in more than one school or receives services from more than one school

e) federal and state education officials

f) organizations conducting studies for or on behalf of the district

g) accrediting organizations in order to carry out their functions

h) appropriate parties in health and safety emergencies

i) in connection with student application and/or receipt of financial aid

j) in compliance with a judicial order or lawfully issued subpoena (parents should be notified in advance of such compliance).

Addendum) Directory Information ** shall be released without written consent of parents or student who is 18 years of age, unless written instructions not to do so are presented to the ________________ (School Official) by the parents or student on or before ____________________ (Date) of each year. Directory Information includes the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent education institution attended by the student.

A record of disclosures (access) must be maintained on all requests for and all disclosures except those to parents, students who are 18 year or older, and school officials. (A record of disclosures will not be kept for directory information**) This record shall include the name of the party and purpose for requesting or

---

* Not specifically stated in the law, but a district might want to consider this addition

** A district may elect not to disclose directory information. This section would not be necessary then.

The ____________________ Board of Education has adopted policies and procedures concerning education records as they apply to exceptional children in compliance with the requirements of the Education of the Handicapped Act (PL 94-142) and the Kentucky State Plan.

1. EDUCATION RECORDS. All policies and procedures formulated in compliance with the Family Educational Rights and Privacy Act shall apply to all education records collected, maintained, or used in the identification, evaluation, or placement of exceptional children (including the Individual Education Plan, IEP) with the following additional amendments as required by PL 94-142.

2. REVIEW OF EDUCATION RECORDS. Parents right to inspect and review education records shall also include the right to have a representative inspect and review the records. Any request to review records shall be complied with before any Admissions and Release Committee conference concerning the identification, evaluation, or placement of an exceptional child. The rights of review and inspection of records shall be passed on to the exceptional child at age 18 or older taking into consideration the type and severity of the disability.

3. AMENDMENT OF EDUCATION RECORDS. The requirements are the same as in the Family Privacy Act.

4. HEARINGS. If records are not amended as a result of a hearing, parents shall be informed of their right to appeal to the State Superintendent of Public Instruction.

5. DISCLOSURES OF EDUCATION RECORDS. The record of disclosures (access) shall be revised to include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

6. DESTRUCTION OF EDUCATION RECORDS. Parents of a child who has graduated or otherwise left the district and who was formerly enrolled in a program for

obtaining the information. This record shall be kept with the records and may be inspected by the parents, the student who is 18 years or older, or school officials.

Education records are disclosed to a third party only on the condition that the party to whom the information is disclosed will not disclose the information to any other party (except employees, officers, or agents of the organization) without prior written consent of the parent or student who is 18 years of age and that the information will be used only for the purpose for which it was disclosed.

6. DESTRUCTION OF EDUCATION RECORDS. Education records may be destroyed at the discretion of the school district except when there is an outstanding request to inspect and review them. Explanations placed in records as a result of a hearing or the record of disclosures must be maintained as long as the education records to which they pertain are maintained.

7. ANNUAL NOTIFICATION OF RIGHTS AND POLICY. Annually by means of the student newspaper* parents shall receive a public notice containing:

a) a summary of the rights and procedures afforded parents under this act

b) a statement of the location(s) where copies of this policy and procedures may be obtained by parents upon request

c) a statement of the district's policy with regards to transfer of records (5c) and release of directory information (5 Addendum)

d) statement of parent's right to file complaints to the Family Education Rights and Privacy Act Office concerning any alleged failures of the district to comply with this act.

* The regulations state that this annual notice must be "by such means as are reasonably likely to inform parents" but the decision as to the exact type of notification to be used is to be made by the district. In the comments to the regulations some suggestions included either individual notification or publication of notice in a student handbook, school catalog, or student newspaper, or to post it on bulletin boards at the school. The district should specify the means to be used in these policies.

exceptional children shall be informed by individual or public notice* that any personally identifiable information in the education record of their child which was collected, maintained, or used for the identification, evaluation, or placement of the exceptional child shall be destroyed upon the request of the parent. Such request should be addressed in writing to the ________________.
School Official
Parents who request destruction of these records shall be informed that these records may be needed by the child or the parents for social security benefits or other purposes and that the district may maintain without time limitation a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed. If parents do not request destruction of these records, personally identifiable information no longer needed for education purposes may be destroyed at the discretion of the district.

7. NOTIFICATION OF PARENTS. Written notification** given to parents prior to the identification, evaluation, or placement of an exceptional child, shall include a statement of the rights and procedures afforded them by the Family Educational Rights and Privacy Act as amended by the Education for the Handicapped Act.

Before any major identification, location, or evaluation activity conducted by the district, notice must be published or announced in the newspaper or other media with circulation adequate to notify parents within the district. This notice shall contain the following:

---

* Regulations are not specific as to the exact nature and time of this notice concerning the destruction of records. Therefore, the district may determine the most appropriate means of informing parents which might be by individual notice, by inclusion of notice in statement of rights, or by including this notice as part of the public notice used in the annual notification

** This written notification would be included as a part of the "Statement of Rights" given to parents prior to obtaining permission for evaluation or permission for placement

a) a description of the purpose and nature of the activity

b) a description of the extent to which notice is given in the native language of the various population groups in the district, if any

c) a description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the district intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information

d) a summary of the policies and procedures that will be followed with regard to the storage, disclosure, retention, and destruction of such information

e) a description of the rights of parents and children regarding this information

8. SAFEGUARDS. (Additional Requirement of PL 94-142) The _____________* shall assume the responsibility of insuring the confidentiality of any personally identifiable information at the collection, storage, disclosure, and destruction stages. This responsibility shall include the maintenance for public inspection of a current directory of the names and positions of all school personnel who may have access to education records and the training and instruction of such personnel concerning these policies and procedures.

---

* Regulations require designation of one official who will have overall responsibility and which could be an official other than Superintendent

(Name of School District)

Check one:

___Request to inspect and review education records

___Request amendment of education records

___Request hearing to challenge education records

I hereby make the above request concerning the education records of

_____________________________________.
(Name of Student)

If request is for amendment or hearing, describe below the specific information in the records for which amendment/hearing is requested and the reason for the request:

____

____

____

____

I certify that I am the parent or legal guardian having custody of the student named above, or that I am at least 18 years of age making the above request concerning my own school records.

Signed______________________________
Parent, Guardian, or Student

Date______________________________

FOR SCHOOL USE ONLY

The above request was complied with on ______________________________
Date

Signed______________________________
School Official

Title______________________________

APPENDIX

SAMPLE FORMS AND NOTIFICATIONS

Explanation

Form A--This is a multipurpose form which may be used for parental or student requests 1) to review education records; 2) to amend records; or 3) for hearing to challenge education records.

Form B--This form is used for obtaining "Parental Consent for Release of Education Records" to any agency or individual other than those specified in the policies and procedures.

Form C--This form is used to maintain a record of all disclosures of education records (except Directory Information) to parties other than parents, eligible students, or school personnel.

Notification D--This is an example of the annual notification required by PL 93-380. This notification may be given in any form which is "reasonably likely to inform parents" such as letter to all the parents, publication in local newspaper, student newspaper, or student handbook, etc. The last paragraph in this notice is for purpose of informing parents of exceptional children of their right to request destruction of educational records in compliance with the regulations implementing PL 94-142.

Notifications E & F--These are examples of expanded statements of rights to be used in providing parents written notification of the rights and procedures available to them. Notification E is the statement of rights used prior to obtaining permission for individual evaluation and contains an expanded statement of parental rights to review records (see paragraph #4). Notification F is the statement of rights used prior to obtaining parental permission for initial placement of a child and contains expanded statements concerning the least restrictive environment (see paragraph #5) and parental rights to review education records and with regards to destruction of information (see paragraph #6).

Notification G--This is an example of the notice that must be published or announced in the newspaper or other media (with circulation adequate to notify parents within the district) prior to any major identification, location, or evaluation activity of the school district.

Directory of School Records H--This is an example of a listing of the types and locations of education records maintained by the educational agency and the titles and addresses of the officials responsible for those records as required in the Family Privacy Act.

(Name of School District)

PARENTAL CONSENT FOR RELEASE OF EDUCATION RECORDS

I hereby give my permission for the education records listed below of

______________________________, to be released to:
(name of student)

Name______________________ (Additional agencies may be listed on the back of this form)

Agency______________________

Address______________________

____

Indicate specific education records requested:

____

____

Indicate the reason for this request and the purpose for which these records are authorized to be used:

____

____

____

I certify that I am the parent or legal guardian having custody of the student named above, or that I am the student named above and am at least 18 years of age.

Signed______________________
(Parent, Guardian, or Student)

Date______________________

FOR SCHOOL USE ONLY

Records were forwarded as requested on ______________________
(Date)

Signed______________________
(School Official)

____
(Title)

Sample Form C

RECORD OF DISCLOSURES

Name of Student____

Record the following information on any disclosure (inspection, release, transfer) of this student's education record to any party other than the child's parents, the student (age 18 or older), and school personnel:

1. Name of Party requesting or obtaining education records
2. Date of disclosure or date access given/denied
3. Purpose for which party requests to review the records
4. Notice - These records shall be disclosed to the named party on the condition that such party will not permit any other party to have access to the information without the written consent of the parents or the student who is 18 years old.

NAME OF PARTY	DATE	PURPOSE

NOTE: This record of disclosure may be viewed only by parents, student age 18 or older, and school personnel.

ANNUAL NOTIFICATION OF PARENTS

"In accordance with the Family Education Rights and Privacy Act, parents shall have the right to inspect and review all education records relating to their child by making request to the principal of each shcool or other designated official. This right shall be passed on to the student at age 18.

Written policies have been developed which describe the types and locations of these records and the specific procedures available to parents for the review of records, the amendment of or hearing concerning education records believed to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, and for the disclosure and destruction of records. Copies of these policies and procedures may be obtained upon request from the office of the principal or of the Superintendent.

In accordance with federal regulations concerning the release or transfer of educational records, it is the policy of this school district to forward education records on request to a school in which a student seeks or intends to enroll. Parents may obtain upon request copies of the records transferred and an opportunity for a hearing. Directory information may be released by the schools on individual students unless specific instructions not to do so are presented to the principal or Superintendent in writing by the parents of a student on or before September 15th of each year. Directory information shall include the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent education institution attended by the student.

Parents shall have the right to file complaints to the Family Education Rights and Privacy Act concerning any alleged failures of the district to comply with this act.

Parents of a child who has graduated or otherwise left the district and who was formerly enrolled in a program for exceptional children may request the destruction of any personally identifiable information in the education record of their child which was collected, maintained, or used for the identification, evaluation, or placement of the exceptional child. Such requests should be addressed in writing to the principal or Superintendent."

STATEMENT OF RIGHTS

Concerning

Individual Evaluation

Your rights as parent or guardian include:

1. The right to take part in any meeting held by an Admissions and Release Committee to discuss your child. This includes the right to have all the results of the individual testing of your child clearly explained.
2. The right not to give permission for any suggested individual testing and/or the right to obtain an independent evaluation of your child from another agency.
3. The right to make a complaint and appeal to the Superintendent about anything having to do with the evaluation or placement of your child. This includes your right to an impartial hearing upon request.
4. The right to inspect and review all school records of your child prior to any Admissions and Release Committee conference to plan an individual education program for your child. This right includes your right to a response to reasonable requests for explanation and interpretation, your right to send a representative to inspect and review the records, and your right to copies of the records upon request. Further information concerning the policies and procedures for review, amendment or hearings, disclosure, and destruction of education records is available upon request from the principal.

Rights of the school district include:

1. The right to ask for an impartial hearing if a parent does not give permission for individual testing when the school staff feels it is needed in the child's best interests.
2. The right to go ahead with the individual testing if the parent(s) do not answer any of the school's repeated and documented attempts to get permission for evaluations.

STATEMENT OF RIGHTS
Concerning Placement

PARENTAL RIGHTS:

The following rights and procedures are available to you in planning for future educational programming for your child:

1. You may sign the enclosed parent permission form and thereby permit your child to be placed in the appropriate special program for exceptional children, as recommended by the Admissions and Release Committee in the attached report(s).

2. If you feel that you do not have enough educational information prior to signing the parent permission form, you may choose not to sign the enclosed form and you may request an additional conference that would include other appropriate school personnel in order to obtain further clarification or explanation. Such requests should be addressed to the principal who will arrange the conference.

3. If you want, you can obtain an independent evaluation (medical, psychological, or educational) of your child by an agency other than that provided by this school district. If you desire information about where an independent educational evaluation may be obtained, please contact the (name) Board of Education at (phone number).

4. If you do not agree with the recommendations of the Admissions and Release Committee, and if an impasse has been reached between you and the local school district, you may refuse to sign the consent form. You may also request a hearing before an impartial hearing officer. At such a hearing, you may be represented by counsel, may offer independent evaluation of a medical, psychological, or education nature, may examine all school records pertaining to your child, and may cross-examine school officials. If such a hearing is desired, please make your request in writing within fourteen (14) days of the date of the attached letter to the Superintendent of (name and address of school district). Information on available legal counsel may be obtained upon request from this office.

5. You may insist that your child be placed in the least restrictive environment. This means that your child should be educated with children who are not handicapped to the maximum extent appropriate as determined by your child's individual education program.

6. You have the right to inspect and review your child's education records at any time. This right includes your right to a response to any reasonable request for explanation or interpretation, right to send a represnetative to review the records, and right to copies of the records upon request. You may also request amendment of or a hearing to challenge any records you believe to be inaccurate, misleading, or otherwise in violation of the privacy rights or other rights of the child. Any education records which were collected and maintained in the identification, evaluation, or placement of your child and which are no longer needed to provide educational programs or services to your child (such as when you child graduates or otherwise leaves the district) will be destroyed upon your written request. Further information concerning the policies and procedures for review, amendment, hearings, disclosure, and destruction of education records is available upon request from the principal.

SCHOOL RIGHTS:

The following rights and procedures are available to the school in planning for future educational programming for your child:

1. The right to ask for an impartial hearing if a parent does not give permission for special education placement when the Admission & Release Committee feels that such a placement is in the best interest of the child.

2. The right to proceed with placement if the parent(s) do not answer any of the school's repeated and documented attempts to get permission for placement. The parent would receive notification of such placement via certified mail.

PUBLIC NOTICE

(Name of school district) will initiate a major "Child Find" effort on (date) for the purpose of identifying and locating any school age handicapped children who are not attending school. This includes children who may be mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, deaf-blind, multi-handicapped, or learning disabled and needing special education and related services. Identification data and screening information will be collected on children referred. This would include the name and age of the child, the location of the child and/or parents, and the possible handicap. This information will be collected in a variety of forms such a preprinted fliers, letters, phone calls, and referrals from individuals in public and private agencies as well as the general public. All information collected will be used to determine if a child is in need of special education services and/or for purpose of planning an individual education program. All personally identifiable information collected and maintained in this "Child Find" activity will be confidential and subject to the district's policies and procedures concerning the review, amendment, hearings, disclosure, and destruction of education records which were developed in accordance with the Family Educational Rights and Privacy Act and the Education for the Handicapped Act. Copies of these policies and procedures are available upon request from the office of the Superintendent.

Parents shall have the right to inspect and review any personally identifiable information collected or maintained on their child. Requests to review these records should be addressed to the Superintendent.

Population groups within this district have English (indicate other languages, if any) as their native language and therefore, this notice is given in English (indicate other languages in which notice is published, if any).

DIRECTORY OF SCHOOL RECORDS

These records will be maintained at the sites indicated and shall be in custody of the person filling the position designated by each item below.

Records specifically include, but are not necessarityly limited to:

Type of Record	Location	Title of Person in Charge
a) Identifying Data	School Central Office	Principal Director of Pupil Personnel
b) Academic Work Completed	School	Principal
c) Level of Achievement (grades, standardized achievement scores)	School	Principal
d) Attendance Data	School Central Office	Principal Director of Pupil Personnel
e) Scores on Standardized Intelligence Aptitude & Psychological Tests	School	Principal
f) Interest Inventory Results	School	Principal
g) Health Data	School	Principal
h) Family Background Information	School	Principal
i) Teacher or Counselor Rating and Observation	School	Principal
j) Verified Reports of Services or Recurrent Behavior Patterns	School	Principal

Federal regulations implementing the Family Educational Rights and Privacy Act (PL 93-380) and the Education of the Handicapped Act (PL 94-142) require the local school district to formulate and adopt written policies and procedures in compliance with these laws which will be available to parents and to the State Department of Education, upon request.

The following pages are examples of written policies and procedures that would be in compliance with both of these federal laws. Pages 1 - 5 illustrate the policies and procedures concerning the education records of all school children (in compliance with PL 93-380). Pages 6 - 8 illustrate the amendments to these policies and procedures concerning education records of exceptional children (in compliance to PL 94-142).

Local school districts would be encouraged to use these examples as guides in revising and/or updating any policies and procedures they already have in effect to insure that such policies and procedures adequately address all the required areas such as types and location of records; review, amendments, hearings, disclosures, and destruction of records; safeguards; and notification requirements.

An appendix includes some suggested forms or notifications that would be necessary for implementation of these policies and procedures.

APPENDIX V

CHECKLIST REGARDING REQUIREMENTS OF P.L. 94-142 AND APPLICABLE STATE REGULATIONS

PART TWO

Checklist Regarding Requirements of P. L. 94-142 and Applicable State Regulations

____
(Name of Agency)

____
(Date of Visit by Bureau of
Education for Exceptional Children)

Agency Representatives:	BEEC Representatives:
____________________	____________________
____________________	____________________
____________________	____________________
____________________	____________________

Bureau of Education for Exceptional Children
Kentucky Department of Education

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INTRODUCTION

Evaluation visits are conducted by the Bureau of Education for Exceptional Children, Department of Education staff. Visits provide verification of the agency's documentation of compliances with federal and state laws and regulations related to education of handicapped children.

Review Procedures:

1. Review agency policy documents and plans related to P. L. 94-142
2. Conduct student record review using student record checklist
3. Conduct interviews with agency personnel
4. Complete this form for each item by circling numbers as follows:

   0 - agency has no policy which deals with this issue

   1 - agency has a policy but it has not been communicated to implementers or clients

   2 - agency policy has been communicated but not implemented

   3 - agency policy has been partially but not fully implemented

   4 - agency policy has been fully implemented

   (Document specific reasons for marking any item less than "4".)
5. Review findings with agency representative(s)
6. Complete written report of finding as described in Section V
7. Copies are to go to the agency visited, the agency file, visit team leader

Federal Regulations Kentucky Administrative Regulations	Section I Compliance Items	Rating Code
	A. Free Appropriate Public Education §§121a.300-121a.307	
§§121a.300 707 KAR 1:003	A.1. A free, appropriate public education is available to children consistent with the Right to Education policy established in Kentucky's Annual Program Plan as follows:	
	A.1.a. A free appropriate public education is made available to all exceptional children ages five (5) through seventeen (17).	0 1 2 3 4
	A.1.b. A free appropriate public education is made available to exceptional children ages three (3), four (4), eighteen (18) nineteen (19), twenty (20), and twenty-one (21) under the following conditions:	
	1) if the public agency provides education to non-handicapped children in any of these age groups, it makes a free appropriate public education available to at least a proportionate number of exceptional children of the same age,	0 1 2 3 4
	2) if the public agency provides education to 50 percent or more of its exceptional children in any category of exceptionality in any of these age groups, it makes a free appropriate public education available to all of its exceptional children of the same age who have that exceptionality, and	0 1 2 3 4
	3) if the public agency provides education to an exceptional child in any of these age groups, it makes a free appropriate public education available to that child and provides that child and his or her parents all of the rights under P.L. 94-142 and state laws, regulations and standards for programs for exceptional children.	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section I Compliance Items	Rating Code
§121a.302	A.2. Services provided for the child are at no cost to the parent(s).	0 1 2 3 4
§121a.305 and §121a.307	A.3. Handicapped children have available to them a variety of programs and services including art, music, industrial arts, home economics, vocational education, and physical education.	0 1 2 3 4
§121a.306	A.4. Opportunities for participation in nonacademic and extracurricular services and activities are available for the handicapped individual.	0 1 2 3 4
	Comments: (e.g., strengths and/or non-compliance documentation)	
	B. Child Identification §121a.128 and §121a.561	
§121a.128(a)(1) 707 KAR 1:003	B.1. All children within the jurisdiction of the agency ages birth through twenty-one (21) who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located and evaluated including:	
	B.1.a. Those who are currently in the educational program needing special education and related services (re: in-school children).	0 1 2 3 4
	B.1.b. Those who are not currently in an education program and do not have access to a special education program (re: out-of-school children).	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section I Compliance Items	Rating Code
§121a.128 §121a.220	B.1.c. Those who are in public or private agencies or institutions. This is insured by (e.g., awareness activities, screening, referrals, agency linkages, etc.). ________________________________ ________________________________ ________________________________ ________________________________	0 1 2 3 4
§§121a.128(a)(2) 707 KAR 1:003	B.2. A practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services (e.g., referral to committee, evaluation, etc.). The method(s) used ________________ ________________________________ ________________________________ ________________________________ ________________________________	0 1 2 3 4
121a.128(a)(2) 707 KAR 1:003	B.3. Records are maintained on the status of children in the identification, location, evaluation and review process.	0 1 2 3 4
§121a.128 707 KAR 1:051, Section 9	B.4. Data collected, maintained or used is subject to confidentiality requirements under P.L. 83-380 as amended by P.L. 94-142.	0 1 2 3 4
707 KAR 1:003	B.5. Person(s) responsible for child identification ________________ ________________________________ ________________________________	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section I Compliance Items	Rating Code
§121a.561(b)	B.6. Before any major identification, location or evaluation activity, notice is published or announced in newspapers or other media, or both with circulation adequate to notify parent(s) of the activity.	0 1 2 3 4
	B.7. The following information is available to parents and to the general public:	
§121a.561(a)(2) 707 KAR 1:003	B.7.a. regulations on programs for exceptional children	0 1 2 3 4
707 KAR 1:051, Section 9	B.7.b. written criteria for placement of children into programs	0 1 2 3 4
§121a.504 707 KAR 1:051, Section 9	B.7.c. procedures for Due Process and Procedural Safeguards	0 1 2 3 4
s121a.561(a)(3) 707 KAR 1:051, Section 9	B.7.d. policies for confidentiality	0 1 2 3 4
707 KAR 1:051, Section 9	B.7.e. written description of programs and related services available.	0 1 2 3 4
	B.8. Documented examples of efforts to create public awareness of special education opportunities include: ______________________________ ______________________________ ______________________________ ______________________________	0 1 2 3 4
	Comments: (e.g., strengths and/or non-compliance documentation) ______________________________ ______________________________ ______________________________ ______________________________	

Federal Regulations Kentucky Administrative Regulations	Section I Compliance Items	Rating Code
	C. Individual Education Programs	
§121a.341a	C.1. An IEP has been developed and is on file for each of the handicapped children under its jurisdiction, including children:	
§121a.341(b)(1) 707 KAR 1:051, Section 3	C.1.a. referred to a private/public school or facility by a public agency	0 1 2 3 4
§121a.341(b)(2) 707 KAR 1:003	C.1.b. enrolled in a private school and receiving special education and related services from a public agency.	0 1 2 3 4
§121a.342(b)(1)	C.2. IEP's are in effect before special education and related services are provided to a child.	0 1 2 3 4
§121a.342(b)(2)	C.3. IEP's are implemented as soon as possible following the IEP meetings.	0 1 2 3 4
§121a.343(a)	C.4. Meetings are initiated and conducted to develop, review and revise each child's IEP.	0 1 2 3 4
§121a.343(c)	C.5. Meetings are held within thirty (30) calendar days of a determination that a child needs special education or related services.	0 1 2 3 4
§121a.343(d) 707 KAR 1:051, Section 3	C.6. A meeting to review and/or revise each IEP is held at least once each year.	0 1 2 3 4
§121a.344	C.7. Participants in these meetings include:	
§121a.344(a)(1)	C.7.a. A representative of the public agency, other than the child's teacher, who is qualified to provide, or supervise the provision of special education;	0 1 2 3 4
§121a.344(a)(2) 707 KAR 1:051, Section 3	C.7.b. The referring teacher;	0 1 2 3 4
	C.7.c. Teacher(s) of exceptional children;	0 1 2 3 4
§121a.344(a)(3) 707 KAT 1:051, Section 3	C.7.d. Parent(s) of the referred child;	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section I Compliance Items	Rating Code
§121a.344(a)(4) 707 KAR 1:051, Section 3	C.7.e. The referred child, where appropriate;	0 1 2 3 4
§121a.344(b)(1)(2) 707 KAR 1:051, Section 3	C.7.f. Personnel responsible for providing evaluation information; and	0 1 2 3 4
§121a.344(a)(5) 707 KAR 1:051, Section 3	C.7.g. Other members at the request of the agency or parent.	0 1 2 3 4
§121a.345(a)	C.8. Documentation is maintained which indicates that parents have the opportunity to participate in each meeting including:	
§121a.345(a)(1)	C.8.a. Notification early enough to insure an opportunity to attend;	0 1 2 3 4
§121a.345(a)(2)	C.8.b. Scheduling the meeting at a mutually agreed upon time and place;	0 1 2 3 4
§121a.345(b)	C.8.c. The notice indicates the purpose, time and location of the meeting and who will attend; and	0 1 2 3 4
§121a.345(c)	C.8.d. Afforded alternative methods to insure input including conferences and phone calls.	0 1 2 3 4
§121a.345(d)	C.8.e. If parents cannot attend, records are kept of attempts to arrange mutually agreed on time and place such as:	
	1) detailed records of telephone calls made or attempted and the results of those calls,	0 1 2 3 4
	2) copies of correspondence sent to the parent(s) and any responses recieved, and	0 1 2 3 4
	3) detailed records of visits made to the parent's home or place of employment and the results of those visits.	0 1 2 3 4
§121a.345(e)	C.8.f. Action is taken to insure parents understand the meeting including an interpreter for parents who are deaf or whose native language is other than English.	0 1 2 3 4
§121a.345(f)	C.8.g. Parents are given a copy of the IEP upon request.	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section I Compliance Items	Rating Code
§121a.346 707 KAT 1:051, Section 5	C.9. The IEP for each child includes a statement of:	
§121a.346(a)	C.9.a. The child's present level of educational performance;	0 1 2 3 4
§121a.346(b)	C.9.b. Annual goals;	0 1 2 3 4
§121a.346(b)	C.9.c. Short-term instructional objectives;	0 1 2 3 4
§121a.346(c)	C.9.d. Specific education and related services to be provided;	0 1 2 3 4
§121a.346(c)	C.9.e. The extent to which the child will participate in regular education programs;	0 1 2 3 4
§121a.346(d)	C.9.f. The projected dates for initiation of services and the anticipated duration of the services; and	0 1 2 3 4
§121a.346(e)	C.9.g. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.	0 1 2 3 4
§121a.347(a)(1)	C.10. Meetings are initiated and conducted before the agency places a handicapped child in or refers a child to another public/private school or facility to develop an IEP for the child, and	0 1 2 3 4
§121a.347(a)(2)	C.10.a. Insures the participation of a representative of the public/private school or facility.	0 1 2 3 4
§121a.347(b)(1) 707 KAR 1:051, Section 3	C.11. After the child is placed in the public/private school or facility, documentation is maintained of meetings to review and revise the child's IEP conducted by the public/private agency and:	0 1 2 3 4
§121a.347(b)(2) 707 KAR 1:051, Section 3	C.11.a. Parents and an agency representative:	
	1) are present at these meetings	0 1 2 3 4
	2) are involved in any decision about the IEP or placement of the child	0 1 2 3 4
	3) are in agreement to any proposed changes before those changes are implemented.	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section I Compliance Items	Rating Code
§121a.349 707 KAR 1:051, Section 5	C.12. The services specified on the IEP are provided by the agency to each handicapped child within its jurisdiction.	0 1 2 3 4
	Comments: (strengths and/or non-compliance documentation) ________________________________ ________________________________ ________________________________ ________________________________	
	D. Comprehensive System of Personnel Development §§121a.380-121a.387	
	D.1. The agency has in place procedures for the implementation and use of the state's Comprehensive System of Personnel Development as described in Kentucky's Annual Program Plan including:	0 1 2 3 4
	D.1.a. Inservice training for all general and special educational instructional, related services and support personnel by ________________________ ________________________________ ________________________________ ________________________________	
	D.1.b. Dissemination of information (e.g., professional library, newsletter, etc.) related to adoption of innovative educational practices through ________________________ ________________________________ ________________________________ ________________________________	

Federal Regulations Kentucky Administrative Regulations	Section II Compliance Items	Rating Code
	D.1.c. Incentives (e.g., release time, stipends, etc.) for inservice training of staff are: ____________ ____________ ____________ ____________	
	D.2. Innovative practices (e.g., model programs, consultation/cooperation with universities, demonstration projects.etc): ____________ ____________ ____________ ____________ ____________	
	Comments: ____________ ____________ ____________ ____________ ____________	
	E. Handicapped Children in Private Schools Placed or Referred by Public Agencies §121a.347	
§121a.347(a)(1)	E.1. Before a public agency places a handicapped child in, or refers a child to, a private school or facility, the agency shall initiate and conduct a meeting to develop an individualized education program for the child.	0 1 2 3 4
§121a.347(a)(2)	E.2. The agency shall insure that a representative of the private school facility attends the meeting. If the representative cannot attend, the agency shall use other methods to insure participation by the private school or facility, including individual conference telephone calls or written correspondence.	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section II Compliance Items	Rating Code
§121a.347(b)(1)	E.3. After a handicapped child enters a private school or facility, any meetings to review and revise the child's individualized education program may be initiated and conducted by the private school or facility at the discretion of the public agency.	0 1 2 3 4
§121a.347(b)(2)	E.4. If the private school or facility initiates and conducts these meetings, the public agency shall insure that the parents and an agency representative:	0 1 2 3 4
§121a.347(b)(2)	E.4.a. Are involved in any decision about the child's individualized education program;	0 1 2 3 4
	E.4.b. Agree to any proposed changes in the program before those changes are implemented.	0 1 2 3 4
§121a.347(c)	E.5. Responsibility. Even if a private school or facility implements a child's individualized education program, responsibility for compliance with state and federal requirements remains with the public agency.	0 1 2 3 4
121a.2 707 KAR 1:070	E.6. Each public agency shall insure that private schools to which exceptional children are referred or placed are approved as educational programs for exceptional children by the State Board of Elementary and Secondary Education.	0 1 2 3 4
	Comments (e.g., strengths and/or non-compliance documentation ____________________ ____________________ ____________________ ____________________	

Federal Regulations Kentucky Administrative Regulations	Section III Compliance Items	Rating Code
	F. Procedural Safeguards §§121a.500-121a.514	
§121a.502 707 KAR 1:051, Section 9	F.1. The parent has the right to review all educational records relative to identification, evaluation, and placement of the individual.	0 1 2 3 4
§121a.503 707 KAR 1:051, Section 9	F.2. The parent has the right to obtain an independent evaluation at public expense.	0 1 2 3 4
§§121a.504 and 121a.505 707 KAR 1:060	F.3. Written notice is given to the parent(s) of a child a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child and includes:	0 1 2 3 4
§121a.505(a)(1) 707 KAR 1:060	F.3.a. A full explanation of all of the procedural safeguards available to the parents;	0 1 2 3 4
§121a.505(a)(2) 707 KAR 1:060	F.3.b. A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected.	0 1 2 3 4
§121a.505(a)(3) 707 KAR	F.3.c. A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal, and	0 1 2 3 4
§121a.505(a)(4) 707 KAR 1:060	E.3.d. A description of any other factors which are relevant to the agency's proposal or refusal.	0 1 2 3 4
	F.4. The notice is:	
§121a.505(b)(1) 707 KAR 1:060	F.4.a. Written in language understandable to the general public; and	0 1 2 3 4
§121a.505(b)(2) 707 KAR 1:060	F.4.b. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section III Compliance Items	Rating Code
§121a.505(c) 707 KAR 1:060	F.4.c. If the native language or other mode of communication of the parent is not a written language, the agency takes steps to insure:	
§121a.505(c)(1)	1) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;	0 1 2 3 4
§121a.505(c)(2)	2) That the parent understands the content of the notice; and	0 1 2 3 4
§121a.505(c)(3)	3) That there is written evidence that the requirements in paragraph (c) (1) and (2) of this section have been met.	0 1 2 3 4
§121a.504(b) 707 KAR 1:051, Section 9 707 KAR 1:060	F.5. Parental consent is obtained prior to:	
	F.5.a. Conducting an evaluation	0 1 2 3 4
	F.5.b. Placement of a handicapped child in a program providing special education and related services.	0 1 2 3 4
§121a.505(a)(1) 707 KAR 1:060	F.6. Specific information relative to the impartial due process hearing is given to parents and explained including:	
§121a.506(c)	F.6.a. Parental rights during the proceedings;	0 1 2 3 4
§121a.513	F.6.b. Free and/or low cost legal counsel available through community agencies.	0 1 2 3 4
§121a.514 707 KAR 1:051, Section 9	F.7. A surrogate parent will be requested when the child is a ward of the State, or his/her parents are unknown or unavailable.	0 1 2 3 4
	Comments: (e.g., strengths and/or non-compliance documentation) __________ __________ __________ __________	

Federal Regulations Kentucky Administrative Regulations	Section III Compliance Items	Rating Code
	G. Protection in Evaluation §§121a.530-121a.534	
§121a.530 707 KAR 1:051, Section 4	G.1. Testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory.	0 1 2 3 4
§121a.531 707 KAR 1:051, Section 4	G.2. Before any action is taken with respect to the initial placement of a handicapped child in a special education program, a full and individual evaluation of the child's educational needs is conducted in accordance with the following:	
§121a.532(a)(1) 707 KAR 1:051, Section 4	G.2.a. Tests and other evaluation materials: 1) are provided and administered in the child's native language or other mode of communication;	0 1 2 3 4
§121a.532(a)(2) 707 KAR 1:051, Section 4	2) have been validated for the specific purpose for which they are used; and	0 1 2 3 4
§121a.532(a)(3) 707 KAR 1:051, Section 4	3) are administered by trained personnel in conformance with the instructions provided by their producer;	0 1 2 3 4
§121a.532(b)	G.2.b. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;	0 1 2 3 4
§121a.532(c) 707 KAR 1:051, Section 4	G.2.c. Tests are selected and administered so as best to ensure that when a test is administered to a child, the test results accurately reflect the child's aptitude or achievement or whatever factors the test purports to measure.	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section III Compliance Items	Rating Code
§121a.532(d) 707 KAR 1:051, Section 4	G.2.d. No single procedure is used as the sole criterion for determining an appropriate educational program for a child; and	0 1 2 3 4
§121a.532(e) 707 KAR 1:051, Section 4	G.2.e. The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability. Evaluation resources include: ____________________ ____________________ ____________________ ____________________	0 1 2 3 4
s121a.532(f) 707 KAR 1:051-1:059	G.2.f. The child is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor disabilities.	0 1 2 3 4
§121a.533(a)(1) and (2) 707 KAR 1:051, Sections 3, 4, and 5	G.3. Information from a variety of sources is documented and utilized by the placement team in developing the IEP and determining the need for special education and related services.	0 1 2 3 4
§121a.534(b) 707 KAR 1:051, Section 4	G.4. An evaluation of the child is conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation.	0 1 2 3 4
	Comments: (e.g., strengths and/or non-compliance document): ____________________ ____________________ ____________________ ____________________	

Federal Regulations Kentucky Administrative Regulations	Section III Compliance Items	Rating Code
	H. Least Restrictive Environment §§121a.550-556	
§121a.550(b) 707 KAR 1:051, Section 7	H.1. Handicapped children are educated with the non-handicapped children to the maximum extent appropriate.	0 1 2 3 4
	H.1.a. Children in public or private institutions or other care facilities, are educated with children who are not handicapped.	0 1 2 3 4
§121a.551 707 KAR 1:051, Section 1	H.2. A continuum of alternative placements is available to meet the needs of handicapped children for education and related services. These include: ____________________ ______________________________ ______________________________ ______________________________	0 1 2 3 4
§121a.533(a)(3)	H.3. A decision for placement is made by a group of persons knowledgeable about:	
	H.3.a. the child;	0 1 2 3 4
	H.3.b. the meaning of the evaluation data;	0 1 2 3 4
	H.3.c. the placement options.	0 1 2 3 4
§121a.552	H.4. Each handicapped child's education placement is:	
	H.4.a. determined at least annually; and	0 1 2 3 4
	H.4.b. based on his/her IEP.	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section III Compliance Items	Rating Code
	H.4.c. is as close as possible to the child's home.	0 1 2 3 4
	Comments: (e.g., strengths and/or non-compliance documentation) ____________________ ____________________ ____________________ ____________________	
	I. Confidentiality of Information §§121a.560-121a.574	
§121a.561	I.1. Written notice in the primary language of the home is provided to parents with respect to:	
	I.1.a. Children on whom personally identifiable information is maintained and the information collection and usage procedures;	0 1 2 3 4
	I.1.b. Procedures for storage, disclosure to third parties, retention and destruction of personally identifiable information; and	0 1 2 3 4
	I.1.c. Rights of parents and children regarding this information.	0 1 2 3 4
§121a.562 707 KAR 1:051, Section 9	I.2. Parents are afforded the rights to inspect, review education records relating to their child, to explanations of the records and to have a representative review the records.	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section III Compliance Items	Rating Code
§121a.563 707 KAR 1:051, Section 9	I.3. A record is maintained of parties obtaining access to information collected, maintained or used (except access by parents and authorized employees of the agency) including the name of the party, date of access and purpose for which the party is authorized to use the records.	0 1 2 3 4
§121a.564 707 KAR 1:051, Section 9	I.4. When any education record includes information on more than one child, the parents have access rights limited to information on their child.	0 1 2 3 4
§121a.565 707 KAR 1:051, Section 9	I.5. Parents are provided, on request, a list of the types and locations of education records collected, maintained or used by the agency.	0 1 2 3 4
§121a.566	I.6. The district's policies and procedures:	
	I.6.a. Require fees for copies but not for retrievals; Amount: ______________	0 1 2 3 4
§121a.567 707 KAR 1:051, Section 9	I.6.b. Provide the parent with rights to request amendment of records;	0 1 2 3 4
§121a.568 707 KAR 1:051, Section 9	I.6.c. Provide parents with rights to hearings to challenge information;	0 1 2 3 4
§121a.569 707 KAR 1:051, Section 9	I.6.d. Provide for amendment of records and for inclusion of parental comments on records; and	0 1 2 3 4
§121a.574 707 KAR 1:051, Section 9	I.6.e. Provide children rights of privacy similar to those afforded to parents, as appropriate to age and disability	0 1 2 3 4
§121a.571 707 KAR 1:051, Section 9	I.7. Parental consent is obtained before personally identifiable information is:	
	I.7.a. disclosed to anyone other than officials of participating agencies collecting or using the information, and	0 1 2 3 4
	I.7.b. used for purposes other than meeting a requirement of P. L. 94-142.	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section III Compliance Items	Rating Code
§121a.572(b)	I.8. The name(s) of the program official responsible for confidential records has been made public. Name of Official: ____________________ Position: ____________________	0 1 2 3 4
§121a.572(c)	I.9. All persons collecting or using personally identifiable information has received training or instruction regarding the State's policies and procedures under §121a.129 and Part 99 of P.L. 83-380.	0 1 2 3 4
§121a.572(d) 707 KAR 1:051, Section 9	I.10. There is a current listing of the names of employees within the district who may access personally identifiable information.	0 1 2 3 4
§121a.573 707 KAR 1:051, Section 9	I.11. Parents are informed when information is no longer needed and that the information is destroyed at parents' request.	0 1 2 3 4
	Comments: (e.g., strengths and/or non-compliance documentation)	

Federal Regulations Kentucky Administrative Regulations	Section IV Compliance Items	Rating Code
	THIS SECTION IS TO BE COMPLETED FOR LOCAL SCHOOL DISTRICTS ONLY J. Use of EHA, Part B Funds	
§§121a.182-183 707 KAR 1:003	J.1. Accurate fiscal records are maintained which allow the tracking of the total cost of special education and services to account for all federal, state and local monies expended for the education of exceptional children in order to meet the excess cost provision.	0 1 2 3 4
§§121a.183, 121a.230 and §121a.231 707 KAR 1:003	J.2. State and local funds are spent for the education of handicapped children equal to the same average amount spent on all other children in the school district before Part B funds are used.	0 1 2 3 4
§121a.184 707 KAR 1:003	J.3. The local school district determines average per pupil costs based on elementary and secondary school enrollment.	0 1 2 3 4
§121a.230 707 KAR 1:003	J.4. Part B funds are used to supplement the State and local funds expended for education of handicapped children, and in no case supplants those State and local funds.	0 1 2 3 4
§§121a.320 and 121a.321	J.5. Funds under Part B of the Education of the Handicapped Act as amended by Public Law 94-142 are used according to the following Priorities:	
	J.5.a. First, to all exceptional children ages five (5) through seventeen (17) who are not receiving any educational services,	0 1 2 3 4
	J.5.b. Second, to exceptional children within each disability, with the most severe handicaps, who are receiving an inadequate education, and	0 1 2 3 4
	J.5.c. Third, to meet the goal of providing full educational opportunity to all exceptional children ages birth through twenty-one (21).	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Section IV Compliance Items	Rating Code
	K. Handicapped Children in Private Schools Not Placed or Referred by Public Agencies §§121a.450-121a.460	
§121a.452(a)	K.1. Special education and related services are provided which are designed to meet the needs of private school handicapped children residing in its jurisdiction.	0 1 2 3 4
§121a.452(b)	K.2. Private school handicapped children are provided with genuine opportunities to participate in special education and related services consistent with the number of those children and their needs.	0 1 2 3 4
§121a.453	K.3. The needs of private school handicapped children, the number of them who will participate, and the types of special education and related services which the local educational agency provides for them are determined after consultation with persons knowledgeable of the needs of these children, on a basis comparable to that used in providing for the participation of handicapped children enrolled in public schools.	0 1 2 3 4
§121a.454	K.4. Services to private school handicapped children are provided by: ________________________ ________________________ ________________________ ________________________	0 1 2 3 4
§121a.555	K.5. If services provided to private school handicapped are different from those provided public school handicapped children:	
	K.5.a. the differences are necessary to meet the special needs of the private school handicapped children, and	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Compliance Items	Rating Code
	K.5.b. The special education and related services are comparable in quality, scope, and opportunity for participation to those provided to public school children with needs of equal importance.	0 1 2 3 4
§121a.456(a)	K.6. Public school personnel funded through EHA, Part B are made available in other than public school facilities only to the extent necessary to provide services required by the handicapped children for whose needs those services were designed, and only when those services are not normally provided by the private school with the agency maintaining administrative and direction over those services.	0 1 2 3 4
§121a.456(c)	K.7. EHA, Part B funds used to pay for services to handicapped children enrolled in private schools:	
	K.7.a. Does not include the payment of salaries to teachers or other employees of private schools except for services performed outside their regular hours of duty and under public supervision and control; and	0 1 2 3 4
	K.7.b. Does not include the construction of private school facilities.	0 1 2 3 4
§121a.457	K.8. When EHA, Part B funds are used to purchase equipment:	
	K.8.a. The equipment acquired with funds under Part B of the Act is placed on private school premises for a limited period of time, but the title to and administrative control over all equipment is retained and exercised by the district.	0 1 2 3 4

Federal Regulations Kentucky Administrative Regulations	Compliance Items	Rating Code
	K.8.b. In exercising administrative control, the public agency keeps records of and accounts for the equipment, and insures that the equipment is used solely for the purpose of the program or project, and removes the equipment from the private school premises if necessary to avoid its being used for other purposes or if it is no longer needed for the purposes of the program or project.	0 1 2 3 4
§121a.458	K.9. EHA, Part B funded programs or projects carried out in public facilities, and involving joint participation by eligible handicapped children enrolled in private schools and handicapped children enrolled in public schools, do not include classes that are separated on the basis of school enrollment or the religious affiliations of the children.	0 1 2 3 4
§121a.459	K.10 Funds provided under Part B of the Act and property derived from those funds do not go to the benefit of any private school.	0 1 2 3 4
§121a.460	K.11 Provisions of serving private school handicapped children do not include the financing of the existing level of instruction in the private schools.	0 1 2 3 4
	Comments: ________________________________ ____ ____ ____	

Section V

EHA, Part B Evaluation Visit Report (cont.)

1. Program Strengths (commendable practices):

2. Program Improvement (suggestions):

3. Bureau of Exceptional Children Commitments:

4. List the items below on the following pages:

   a. List identified concerns.
   b. List corrective actions relevant to minimum requirements of P.L. 94-142 and Kentucky Administrative Regulations.
   c. List needed documentation and method of verification.
   d. Specify timelines for needed documentation.

Signature

EHA, Part B Evaluation Report (cont.)

The following concerns were identified during the visit. Corrective actions relevant to minimum requirements of P.L. 94-142 and Kentucky Administrative Regulations are presented with necessary documentation or verification required by the district. Appropriate identification numbers are in parenthesis for convenience of further reference. Timelines are specified for items listed under "needed documentation."

If you feel these timelines are unreasonable or you anticipate difficulty in submitting the required documentation, please contact us by ____________________.

Concerns	Corrective Actions	Needed Documentation	Timelines

EHA, Part B Evaluation Report (cont.)

Concerns	Corrective Actions	Needed Documentation	Timelines

APPENDIX VI

MEMORANDUMS OF AGREEMENT

JOINT MEMORANDUM OF AGREEMENT BETWEEN THE KENTUCKY DEPARTMENT OF EDUCATION AND THE BUREAU OF CORRECTIONS, DEPARTMENT OF JUSTICE

The purpose of this agreement is to establish coordination between the Department of Education and the Bureau of Corrections, Department of Justice, in regard to the provision of a free appropriate public education to handicapped men and women 21 years of age and under in programs operated by the Bureau of Corrections, Department of Justice.

It is hereby recognized by and between both parties that exceptional children as defined by P. L. 94-142 and KRS 157.200 in Bureau of Corrections programs shall be provided a free appropriate public education consistent with P. L. 94-142, the Kentucky Annual Program Plan under P. L. 94-142, and applicable Kentucky Revised Statutes, Administrative Regulations and Standards including requirements related to:

1. Full Educational Opportunities Goal - That the agency affirms the goal of eventually serving all exceptional children ages birth through twenty-one within its jurisdiction.

2. Free Appropriate Public Education - That all exceptional children shall have the right to a free appropriate public education which is defined as special education and related services which

    a. are provided at public expense, under public supervision and direction, without charge,

    b. meet the laws, regulations and standards of the Kentucky Department of Education and P. L. 94-142,

    c. include (as appropriate) preschool, elementary school, or secondary education, and

    d. are provided in conformity with an individualized education program which meets the requirements of 707 KAR Chapter 1.

3. Individual Education Program - That the agency shall develop, implement and, at least annually, review and revise, where appropriate, and Individual Education Program (IEP) in conformance with 707 KAR Chapter 1 for every exceptional child who is receiving special education or related services from the agency.

4. Child Identification - That the agency has in place procedures to insure that within the limits and restrictions of the Correctional System all children ages birth through twenty-one residing within the jurisdiction of the agency who are exceptional regardless of the severity of the exceptionality, and who are in need of special education and related services are identified, located, and evaluated, including a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving special education and related services.

5. Due Process Procedures - That the agency has in place policies and procedures to insure procedural safeguards consistent with 707 KAR Chapter I including requirements for opportunity to examine educational records, independent educational evaluation, notice and consent, impartial due process hearings, appeals and civil action, and the provision of surrogate parents.

6. Protection in Evaluation Procedures - That the agency has in place policies and procedures to insure protection in evaluation procedures consistent with 707 KAR Chapter I including requirements for preplacement evaluation, evaluation procedures used with exceptional children, placement procedures and reevaluation.

7. Least Restrictive Environment - That the agency has in place policies and procedures to insure that to the maximum extent appropriate exceptional children are educated with non-handicapped children and that the agency has policies and procedures regarding least restrictive environment consistent with 707 KAR Chapter I and security requirements which address the personal safety of the individual client and the stability of the institution.

8. Confidentiality of Personally Identifiable Information - That the agency has in place policies and procedures to insure the confidentiality of personally identifiable information consistent with 707 KAR Chapter I including requirements for notice, access rights, record of access, records on more than one child, list of types and locations of information, fees, amendment of records and hearing procedure, consent, safeguards, destruction of information and children's rights.

The Bureau of Corrections, Department of Justice, shall insure that exceptional children in programs operated by that agency are provided a free appropriate public education consistent with the requirements cited above. The Kentucky Department of Education shall be responsible for the general supervision of and technical assistance to these programs to insure that requirements related to exceptional children are met. General supervision shall include monitoring and evaluation of these programs to assure compliance with these requirements. In addition, the Bureau of Corrections shall insure that the Bureau of Education for Exceptional Children, Kentucky Department of Education, maintains on file a current compilation of Bureau of Corrections Programs' policies and procedures for meeting these requirements. These policies and procedures shall be reviewed by the Bureau of Education for Exceptional children, Kentucy Department of Education and approved by the State Board for Elementary and Secondary Education consistent with 707 KAR 1:070. Lastly, the Bureau of Corrections shall provide to the Department of Education child data in a manner consistent with the procedures and timelines specified through P. L. 94-142.

It is understood by all parties that the conditions contained in this memorandum are subject to annual review and.or reaffirmation.

Agreed this day May 22, 1979.

Superintendent of Public Instruction
Kentucky Department of Education

Secretary
Kentucky Department of Justice

Commissioner
Bureau of Corrections

JOINT MEMORANDUM OF AGREEMENT BETWEEN KENTUCKY DEPARTMENT OF EDUCATION AND KENTUCKY HEAD START NETWORK (REPRESENTED BY AND UNDER THE JURISDICTION OF REGION IV, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF HUMAN DEVELOPMENT SERVICES, ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES).

State and federal mandates indicate increased and comprehensive state and local responsibilities toward providing educational programs and services to all handicapped children. The public school system and Head Start programs have legal mandates referring specifically to the handicapped, but, at this time, there is little coordinated effort to meld the different and varied programming efforts toward closely related goals. This document is proposed as a vehicle which will establish a foundation for collaborative management, planning, and service delivery efforts.

PURPOSE

The purpose of this agreement is to establish collaboration among Kentucky Department of Education, Bureau of Education for Exceptional Children, local education agencies, Kentucky Head Start Network, Training and Technical Assistance Services, and local Head Start programs (by classrooms or total program) to provide for a functional interaction of programs and services for handicapped children and their families. This agreement will allow local school districts and local Head Start programs to establish cooperative/contractual agreements. The specific contractual arrangements must be mutually agreed upon at the local level. Personnel from Kentucky Department of Education, Bureau of Education for Exceptional Children, and Training and Technical Assistance Services will provide technical assistance in negotiating the contracts, if requested by local agencies. The arrangements could be for an entire program or specific classroom(s) within a program.

OBJECTIVES

1. To develop a systematic communication network among the Kentucky Department of Education, Bureau of Education for Exceptional Children, local education agencies, Training and Technical Assistance Services, and Kentucky's Head Start Programs.

2. To establish Head Start/local education agency communication and subsequent procedures which eliminate duplication of assessment and programmatic efforts as children enroll in the local school programs.

3. To promote an exchange of Head Start/local education agencies information related to service models and service delivery systems which will ensure continuity of programming and services for handicapped children.

4. To share information and resources among Kentucky Department of Education, local education agencies, Kentucky Head Start Network, Training and Technical Assistance Services, and Head Start programs relative to services to handicapped children and their families.

5. To identify and implement procedures for the provision of technical assistance in educational programming for handicapped children between Head Start and local education agencies.

6. To promote recognition of Head Start/local education agency administrative, teacher, and aide training which, through collaborative implementation of training activities, will allow similarity and continuity of handicapped children's programs and services.

7. To enhance the identification and implementation of teacher training programs through the inclusion of Head Start representation on the Committee for Comprehensive System of Personnel Development.

8. To provide for Head Start/local education agency collaborative efforts to locate, identify, assess, and place handicapped children, e.g., Child Find activities.

9. To include Head Start Programs as an integral part of any centralized data collection system related to handicapped children at the preschool level.

10. To implement Head Start/local education agency coordination that will ensure compliance with the Federal Regulations under Public Law 94-142.

It is hereby recognized by and among all parties that exceptional children as defined by Public Law 94-142 and KRS 157.200 served in Head Start programs shall be provided special education and related services consistent with Public Law 94-142, and applicable Kentucky Revised Statutes, Administrative Regulations and Standards including requirements related to:

1. Full Education Opportunity Goal
2. Free Appropriate Public Education
3. Individual Education Programs
4. Due Process Procedures
5. Protection in Evaluation Procedures
6. Least Restrictive Environment
7. Confidentiality of Personally Identifiable Information
8. Child Identification

The general responsibilities of each agency involved in this collaborative agreement are outlined below.

It shall be the responsibility of the local Head Start program to ensure that exceptional children in their classroom(s) are provided special education and related services consistent with Head Start guidelines and the requirements cited above. The program shall provide child data to the appropriate residence local school district in a manner consistent with the procedures and timelines specified through Public Law 94-142.

The local education agency shall be responsible to provide information for the collection and maintenance of child data and include collaborating Head Start teaching and/or administrative staff in training regarding such data.

The Kentucky Department of Education shall provide general supervision of the local education agency's services to exceptional children, including their contractual Head Start units. General supervision includes monitoring and evaluation of programs/classrooms to assure compliance with requirements related to serving exceptional children and will occur in conjunction with the appropriate local school district(s)' monitoring visit. Also, the Kentucky Department of Education shall accept the Head Start validation process as one monitoring and evaluation mechanism. It shall be the responsibility of the Kentucky Department of Education to provide technical assistance to local education agencies and collaborating Head Start programs to ensure that requirements relating to services to exceptional children are met.

The Head Start Training and Technical Assistance Office shall also be responsible to provide technical assistance to ensure that requirements relating to services for exceptional children are being met. Following validation visits to collaborating Head Start programs, the Head Start Training and Technical Assistance Office shall submit reports from the Self Assessment/Validation Instrument and Letter of Understanding related specifically to the handicap effort to the Bureau of Education for Exceptional Children, Kentucky Department of Education, to aid in their monitoring process. The submission of such reports shall serve as one means through which the Department of Education may verify that Head Start programs meet the necessary requirements.

The Kentucky Department of Education and Head Start Training and Technical Assistance Services Office shall collaborate to assure consistent technical assistance regarding requirements for services to exceptional children, shall cooperatively provide technical assistance in the negotiating of contracts between Head Start programs and local education agencies, and shall assure the expedient and confidential exchange of evaluative information as a part of both technical assistance and monitoring efforts.

The Region IV, Department of Health, Education, and Welfare, Office of Human Development Services, Administration for Children, Youth and Families hereby grants permission for the release of validation information related specifically to the handicap effort in collaborating programs from Training and Technical Assistance Services to the Bureau of Education for Exceptional Children, Kentucky Department of Education, and sanctions activities designed to produce and operationalize collaboration between Head Start programs and local education agencies to serve exceptional children.

The Region IV, Department of Health, Education, and Welfare, Office of Human Development Services, Administration for Children, Youth and Families will assure that written policies, procedures, performance standards, and other documents related to education of handicapped children are submitted to the Bureau of Education for Exceptional Children, Kentucky Department of Education for review. Contingent upon this review and pursuant to 707 KAR 1:070, the State Board for Elementary and Secondary Education shall approve Kentucky Head Start Programs.

AGREED THIS DAY 6/6, 1979

James B. Graham
Superintendent, Public Instruction
Kentucky Department of Education

Director, Administration for
Children, Youth and Families,
Region IV, Department of
Health, Education and Welfare,
Office of Human Development
Services

EDUCATION AND THE ARTS CABINET
INTRA-AGENCY COOPERATIVE AGREEMENT: BUREAU OF EDUCATION FOR EXCEPTIONAL CHILDREN, BUREAU OF VOCATIONAL EDUCATION, BUREAU OF REHABILITATION SERVICES, and BUREAU FOR THE BLIND

The Kentucky model for the delivery of educational services for handicapped persons is founded upon the premise that all handicapped individuals have available to them a free appropriate public education. Inherent in the provision of such programs and services is a basic commitment on behalf of the state agencies to provide the best set of services possible for handicapped persons by:

1. assuming primary responsibility for assisting education agencies in the development and implementation of educational programs and services to serve handicapped persons;

2. assuring that all agencies administering these laws understand that eligibility under one law should not, in and of itself, result in a denial of complementary services under another of the laws;

3. assuming that handicapped persons receive all services for which they are eligible under the following acts, statutes and regulations; Education of Handicapped Children Act of 1975 (P.L. 94-142), the Vocational Education Amendments (P.L. 94-482), the Rehabilitation Act of 1973 (as amended by P.L. 95-602).

4. assuring that the state agencies involved are fully committed to aiding local agencies engage in coordinated service delivery systems for handicapped persons; and

5. assuring that the rights of handicapped persons are protected in compliance with Title V of the Rehabilitation Act of 1973 as amended by P.L. 95-602. "The agency does not discriminate in administration or access to, or treatment or employment in, its programs and activities." (S84.7A)

The delivery of a continuum of appropriate programs and services to handicapped individuals requires the cooperative efforts of the Bureau of Education for Exceptional Children, Bureau of Vocational Education, Bureau of Rehabilitation Services and Bureau for the Blind. The cornerstone of this process is an integrated service delivery system as set forth in this intra-agency agreement which is based upon a mutual commitment and philosophy of placement of handicapped persons in the least restrictive environment and a commitment to the provision of coordinated services for the handicapped. Therefore, it is hereby agreed that the Education and Arts Cabinet Intra-agency Planning Group, composed of the Bureau of Education for Exceptional Children, Bureau of Vocational Education, Bureau of Rehabilitation Services, and the Bureau for the Blind will continue to cooperate in the development of programs designed to provide general education and rehabilitation services for the handicapped.

It is hereby recognized by and among all parties that exceptional children shall be provided special education and related services consistent with Public Law 94-142, and applicable Kentucky Revised Statutes, Administrative Regulations and Standards including requirements related to:

1. Full Education Opportunity Goal
2. Free Appropriate Public Education
3. Individual Education Program
4. Due Process Procedures
5. Protection in Evaluation Procedures
6. Least Restrictive Environment
7. Confidentiality of Personally Identifiable Information
8. Child Identification

The general responsibility of each agency involved in this collaborative agreement are outlined below.

I. BUREAU OF EDUCATION FOR EXCEPTIONAL CHILDREN (BEEC)

A. BEEC has primary responsibility for the administration and supervision of educational programs for exceptional children; including

   1. a process for the identification, location, evaluation and placement requirements as specified in federal and state regulations,
   2. the development and implementation of administrative regulations and procedures for the operation of programs for handicapped children,
   3. the administration of Minimum Foundation Program Classroom Units for exceptional children,
   4. the monitoring and evaluation of educational programs, and
   5. the development and implementation of Kentucky's Annual Program Plan under P.L. 94-142.

B. BEEC will provide technical assistance to local education agencies to assure:

   1. coordination of the referral process for handicapped students who may require or benefit from educational and related services provided by the collaborative agencies,
   2. considerations for placement of handicapped students in collaborative agencies programs will include participation of said agencies on the appropriate Admissions and Release Committee,
   3. joint development of Individual Education Program (IEP) and Individual Written Rehabilitation Program (IWRP) when appropriate,
   4. assistance with development of basic skill curriculum for the pre-vocational and vocational education programs, and
   5. curriculum inclusion of pre-requisite personal adjustment and pre-vocational skills prior to referral of handicapped students to vocational education.

C. Include representation from collaborative Bureaus on the Committee for Comprehensive System of Personnel Development and encourage cooperative in-service training for appropriate agency participation both at the local and state levels.

D. BEEC will share with the parties of this agreement data, publications, procedural manuals and other information of mutual concern and solicit input pertaining to development and planning of coordinated services for handicapped persons.

II. BUREAU OF VOCATIONAL EDUCATION (BVE)

A. The BVE will cooperate at all levels of program planning, development, and implementation in making meaningful vocational experiences available to handicapped persons to the end that effective programs, services, and activities will be assured.

B. The parties hereto agree that:

1. individuals accepted for vocational education programs for handicapped will meet the standards of eligibility as having a physical or mental handicap and who require special educational and related services in order to succeed in vocational education.

2. vocational programs and/or services for the handicapped will be contingent upon identified needs of individuals and the manpower needs in the state.

3. vocational programs, services and activities may include:
   a. supplemental services for handicapped enrolled in a regular vocational education program. These services may include, but not be limited to, special curriculum materials, specialized equipment, additional guidance and counseling, interpretors and other identified services.

   b. modified or special programs may be developed when it is determined that these programs are in the best interest of the student.

4. appropriate comprehensive vocational education for the handicapped will include cooperative relationships between education, rehabilitation services and the employment sector to facilitate the transition from school to work.

5. program improvement and supportive services may include teacher training, research, curriculum development, guidance and counseling, and program evaluation.

C. Vocational education will share pertinent information needed for the administration of vocational education programs.

D. The BVE will cooperate in providing funds for programming for handicapped.

1. Funds for programs, services, and activities for the handicapped are allocated on the basis of an approvable plan. The plan and budget are components of the Local Plan for Vocational Education and is submitted on a fiscal year basis. The monies utilized for the handicapped are from the set-aside funds and are matched on a state-wide basis with state and local money according to the educational agency.

2. Funds may be used to support programs at the secondary, postsecondary, and adult levels in vocational education.

3. Vocational education will involve the various agency(ies) in the review of projects; i.e., Exceptional Children, projects for in-school youth at the secondary level.

E. Educational agencies will have on file an Individual Education Program (IEP) for secondary students and an Individual Written Rehabilitation Program (IWRP) for the referrals from Rehabilitation Services.

F. Vocational education will work with all agencies or institutions which may provide educational programs or services for the handicapped but these projects will be a part of the educational plan for that region.

III. BUREAU OF REHABILITATION SERVICES (BRS)

A. BRS will accept the responsibility for the provision of rehabilitation services for eligible handicapped persons referred by (public) educational agencies as defined below, except as provided in Section IV, BRS will confer with the school of jurisdiction in an attempt to have structured within the district an educational or vocational education program that would lead to completion of an appropriate course of study for eligible referrals.

B. BRS will provide for the coordination of post-secondary training and placement of eligible handicapped persons who have completed an approved course of study and graduated from a school program.

C. BRS eligibility standards are based on (1) the presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and (2) a reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability. Vocational rehabilitation services are available, with minor exceptions, only to individuals who are of working age or who are approaching working age.

D. BRS which may be provided to eligible handicapped persons are:

1. Evaluation of rehabilitation potential;
2. Counseling and guidance, including vocationally oriented personal adjustment counseling;
3. Physical and mental restoration services;
4. Pre-vocational, vocational adjustment and vocational training;

5. Maintenance, not exceeding the estimated cost of subsistence during rehabilitation;
6. Transportation in connection with the provision of any vocational rehabilitation agency;
7. Services to members of a handicapped individual's family when such services are necessary to the vocational rehabilitation of the handicapped individuals;
8. Telecommunications, sensory and other technological aids and devices;
9. Recruitment and training services to provide new employment opportunities in the public service field;
10. Placement in suitable employment;
11. Post-employment services, necessary to assist handicapped individuals to maintain their employment;
12. Occupational licenses, tools, equipment, initial stocks (including livestock) and supplies; and
13. Other goods and services which can reasonably be expected to benefit a handicapped individual in terms of employability.

E. The provision of Vocational Rehabilitation services enumerated above in paragraph D will be provided in accordance with the available resources of staff, monies, facilities, and agreements with other agencies and the priorities of selection criteria in effect as required by the current BRS State Plan.

F. BRS will exchange with the parties of this agreement information, releases, publications, procedural manuals and instructions of mutual concern. When BRS and other parties of this agreement serve the same client/student they will share pertinent information from the records of the individuals served. This information will be used only for the delivery, documentation, professional review of services and only for the purpose for which it was made available. Any other use must be with the informed, written consent of the client/student. Federal and State laws, and the rights of the individual, of course, will govern this exchange of information.

IV. BUREAU FOR THE BLIND (BB)

BB will accept the responsibility for the provision of rehabilitation services as described above under Section III for eligible visually impaired and blind persons.

Operational Strategies

Education agencies are responsible for providing educational and related services appropriate for each handicapped individual for as long as Federal and State law mandates. At the earliest time that a student is identified as ages potentially eligible for rehabilitation services, education and rehabilitation agencies should work together on determining what, when and how services are to be provided.

Individual Written Rehabilitation Programs (IWRP) which are required for rehabilitation clients and Individual Education Programs (IEP) which are required for special and vocational education students are similar in purpose and approach. Coordinating the preparation and execution of individual plans offers an excellent focus for coordinating the delivery of individual services. The plans can:

- Provide a means for determining the need for, and specifying joint delivery of services.
- Provide a means for insuring a smooth transition for a handicapped individual from a school system to a rehabilitation agency so that a continuum of services is provided.
- Provide a means for early consultation and joint planning with the individual and his family.

In order that education and rehabilitation agencies may integrate the goals of the IEP and the IWRP, the plans should reflect short term and long range objectives for career development, vocational skill training, personal adjustment and job placement. To effect this integration, education agencies must provide guidance to those preparing IEPs and establish local contact with rehabilitation agencies. And rehabilitation agencies must similarly assure that appropriate IWRPs -- e.g., for persons who should complete their plans for special and vocational education -- are developed in conjunction with education agencies.

Education and rehabilitation agencies will also be encouraged to engage in a wide range of other cooperative endeavors, such as:

(1) Consultation on development of State plans.
(2) Personnel preparation and development through the provision of in-service training.
(3) Consultation and technical assistance on curriculum and program planning in adapting to meet the requirements of new legislation.
(4) Joint operation of special programs designed to merge educational and rehabilitation approaches to services in order to ease a handicapped student's entry into the world of work.

It is jointly agreed that the agencies shall develop and issue an intra-agency memorandum to all public education agencies and rehabilitation offices specifying the procedures for cooperatively developing intra-agency services, the procedures for jointly serving handicapped persons, and the types of services that will be available from each agency.

The agreement will remain in force until it is terminated, revised, or amended by mutal agreement.

AGREED THIS DAY June 25 , 1979.

Billie L. Downing
Assistant Superintendent
Bureau of Education for
Exceptional Children

James B. Graham
Superintendent of Public Instruction
Kentucky Department of Education

Assistant Superintendent
Bureau of Vocational Education

Secretary
Education and the Arts Cabinet

Assistant Superintendent
Bureau of Rehabilitation Services

Executive Director
Bureau for the Blind